

**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:	2023/62/90488/E
Site Address:	Land north of, Halifax Road, Hartshead Moor, Cleckheaton, BD19 6PE
Description:	Demolition of existing buildings, erection of 9 dwellings and alterations to convert existing barn to 1 dwelling
Recommending Officer:	Nick Hirst

DECISION – Section 106 full permission – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 28/11/2024

Application: 2023/62/90488/E

Site: Land north of Halifax Road, Hartshead Moor, Cleckheaton, BD19 6PE

Proposal: Demolition of existing buildings, erection of 9 dwellings and alterations to convert existing barn to 1 dwelling

Site Description

The application site is circa 2km west of Cleckheaton Centre and 0.9km from the centre of Scholes. If following the road, the site is circa 0.4km away from the boundary to Calderdale. Hartshead is a small settlement set in a rural location, with open fields around the site. The M62 is located circa 350m to the east. The site is adjacent to the Hartshead Moor Top Conservation Area, which is to the site's north and east boundaries.

The site has an irregular shape which covers an area of 0.4ha. There are dwellings in proximity to the site's north, east, and west, as well as the Hartshead Moor Club being to the west and the Stafford Arms (public house) to the east. Halifax Road runs along the site's southern frontage, while Manor Street is to the north. There are two points of vehicle access from Halifax Road into the site. The west access leads through the site to Hartshead Moor Club.

The site contains both greenfield and brownfield areas. The greenfield part of the site consists of grassland and mature trees. The brownfield sections include several buildings of various ages. These include a traditional stone-build barn, a historic brick industrial unit, and more modern commercial structures. These buildings currently have a commercial use.

Description of Proposal

All buildings on site, bar the traditional barn, are to be demolished. Nine dwellings would be erected, with associated works, and with the traditional barn converted to a dwelling, therefore a total of ten units would be created. These dwellings consist of the following mix:

- 1- and 2-bed: 0
- 3-bed: 6
- 4-bed+: 4

The new dwellings would be a mixture of detached, semi-detached, and terraced properties. Dwellings would be two storeys, with certain plots having dormer windows serving habitable rooms in the roof spaces. Dwellings would be faced in natural stone with slate roofs.

Plots 1 to 3 would be sited to the southwest and would front onto Halifax Road. Vehicular access would be via the improved western existing access point onto Halifax Road (to be shared with Hartshead Moor Club), leading to a parking court to the rear of the dwellings.

Plots 4 to 9 would front onto a new road from the improved east access point, with the dwellings arrayed in a rough U shape. All units would have dedicated parking spaces, either to the front or side of the dwellings, with plots 6 to 10 having a single garage each.

Plot 10 is the converted barn. Existing but infilled openings would be re-opened for windows or doors, along with new openings being formed. A rear extension projecting 3.0m and being 5m wide with a hipped roof would be erected, with all materials to match the host building. Plot 10's parking would be accessed via the new road.

No public open space is proposed on site, with most landscaped areas falling within domestic curtilage. The proposed non-curtilage landscaping would be limited to grassed areas. Boundary treatments are to be a mixture of stone walling, hedgerow and 1.8m high timber fencing. Six visitor parking spaces would be provided on site.

Relevant Planning History

Application Site

None relevant to the current proposal.

Surrounding Area

None relevant to the current proposal.

History of Negotiations

Officers were unable to support the scheme as originally submitted. Initial concerns included:

- The design of the dwellings and layout was considered harmful to visual amenity and the nearby historic environment.
- Unacceptable and insufficient highway information / details.
- Lack of adequate ecological survey details.
- Inadequate drainage details.

These matters were raised with the applicant and a series of revisions undertaken. Following this, the proposal was considered to address all previous concerns and comply with the relevant policies.

In addition, a Section 106 agreement was necessary. This was discussed, agreed, and undertaken.

Representations

Final publicity date expired: 20/05/2023.

The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, and has been advertised within a local newspaper. This is in line with the council's adopted Statement of Community Involvement.

The application was re-advertised via notification letters sent to neighbouring properties and those who'd responded to the original period of publicity, following amendments to the proposal.

In total, ten public representations were received in response to the proposal. The following is a summary of the comments received:

- Questioning whether the proposal complies with 'EDG Governments Rear Privacy Policy', with the author stating 'i.e., 25m of each rear facing occupied room'.
- The proposal will result in overbearing, overshadowing, and overlooking of neighbouring dwellings and their private garden spaces. Certain plots should be bungalows to minimise impacts on neighbouring properties.
- The development will cause noise pollution.
- The proposal includes 2.5 storey units which are out of keeping with the area.
- The proposal is unclear on plans to the site's boundaries, lacking detail on heights and materials.
- Future residents should not be allowed to build outbuilding and/or have domestic paraphernalia such as trampolines, as these will harm the amenity of neighbouring residents.
- Bats are common on the site and within the area. Also, the site has vermin which need to be controlled via clearance.
- Construction must be managed to not unduly affect nearby residents.
- The site has Japanese knotweed, an invasive species which must be managed during construction.
- The proposal will restrict access to the rear of 188 Scholes Lane which is built upon the shared boundary. Rights of access should be secured within the sale of plot 8 (that closest to 188 Scholes Lane). Furthermore, the ground level of plot 8's garden should not be higher than 188 Scholes Lane's ground floor, to avoid rising damp.
- Concerns over how this proposal will interact with scheduled highway improvement works on Halifax Road.
- Part of the land within the red-line is owned by a neighbouring resident. Access rights must be retained.
- The centre of the application site is a 'walled garden' that benefits the amenity of properties surrounding the site.

Consultation Responses

Statutory

K.C. Lead Local Flood Authority: No objection subject to conditions and Section 106 agreement (management and maintenance).

Non-Statutory

K.C. Conservation and Design: Expressed initial concerns over the proposal's impact on the adjacent conservation area and also the impact on the historic buildings within the site, which were considered to be non-designated heritage assets. Provided feedback and detailed the additional information needed. On review of the latest details, confirmed no objection subject to conditions.

K.C. Ecology: Due to an initial lack of adequate details K.C. Ecology objected to the proposal. This led to further survey work being undertaken which, on receipt, K.C. Ecology were able to confirm no objection to the proposal subject to conditions.

K.C. Environmental Health: No objection subject to conditions.

K.C. Highways: Initial concerns were raised by K.C. Highways. Following negotiations and advice being offered to the applicant amendments were made to the proposal that overcame the initial concerns. Based on the final details K.C. Highways have confirmed no objection, subject to conditions.

K.C. Trees: Confirmed that none of the trees within the site benefit from a TPO, nor are any of significant public amenity. No objection.

K.C. Highways (Waste): Advice provided pertaining to waste storage and collection, which the applicant has taken on board when progressing their proposals.

West Yorkshire Police Designing Out Crime Officer: No objection, with advice offered.

Planning Policy

Kirklees Local Plan (KLP)

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 27/02/2019).

The site is unallocated on the LP Policies Map. It is adjacent to the Hartshead Moor Top Conservation Area.

The following Local Plan policies are deemed relevant to the proposal:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP49** – Educational and health care needs
- **LP50** – Sports and physical activities
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated in December 2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **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

Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

The Council approved Climate Emergency measures at its meeting of full council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Assessment

The following matters are considered in the assessment below –

- Principle of development
- Urban design

- Residential amenity and quality
- Impact on highway safety
- Drainage and flood risk
- Other matters
- Representations
- Conclusion

Principle of development

Paragraph 47 of the National Planning Policy Framework, which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

Sustainable development and climate change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions

The redevelopment and effective use of brownfield land essentially involves the welcomed re-use of a finite resource (land), and this has various economic, social, and environmental benefits.

Regarding climate change, the applicant has submitted a sustainability commentary which considers measures to mitigate climate change. This includes the following:

- A 'fabric first' approach to the design (maximise air tightness, high-performance insulation, utilise natural ventilation, optimise solar gain, etc);
- Provision of secure cycle storage space to each dwelling;
- Introduction of highly-efficient led lighting systems throughout;
- Consider the use of air source heat pump or ground source heat pumps;
- Solar control glazing to be installed throughout the development to minimise overheating within the development;
- Where feasible to meet a standard limiting water usage to 110 litres per person, per day with the Introduction of high-efficiency, water saving, sanitary facilities such as aerated taps and water saving toilets;

- Installation/specification of highly efficient, water saving appliances throughout the development; and
- A minimum of 1 electric vehicle charging point per dwelling.

Although some of the above are not clearly committed to by the applicant, and although some are required in any case by planning policies or the Building Regulations, the above measures are considered commensurate to the scale of development and are accepted by officers.

The council's five-year housing land supply

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling three-year period (against a pass threshold of 75%).

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The council's inability to demonstrate a five-year supply of housing land (or pass the Housing Delivery Test) weighs in favour of housing development at this site, however this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.

Land allocation (unallocated) and residential development

The site is without notation on the KLP Policies Map. When considering such sites, Policy LP1 states that;

Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will

grant permission unless material considerations indicate otherwise – taking into account whether:

a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

b. specific policies in that Framework indicate that development should be restricted.

These criteria will be considered throughout this assessment.

Effective and efficient use of land

Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires that developments achieve an appropriate density while Policy LP11 seeks to ensure housing mixtures (sizes, form etc) respond to local needs. These requirements are expanded upon within the council's Affordable Housing and Housing Mix SPD (March 2023).

Notwithstanding the above, Policy LP11 only applies to developments over 10 dwellings or greater than 0.4ha in size. The proposal at this site is for 10 units, on a site 0.4ha in size. Given it exceeds neither of these thresholds, Policy LP11 is not deemed applicable to the proposal.

Policy LP7 remains applicable, and seeks for residential developments to achieve a density of 35 dwellings per hectare (dph), where appropriate. This would equate to 14 units on a 0.4ha site. At 10 units the proposal has a density of 25dph, below the policy's initial expectation. However, officers are satisfied that seeking a higher density in this location would not be appropriate. The proposal is largely a brownfield re-development, on an irregular shaped plot, with existing dwellings to three sides. Officers have considered options for a higher density, but concluded this would likely result in a scheme that conflicts with other material planning considerations, including in relation to securing a good design, residential amenity standards, and highways. Officers are thus satisfied there is little to no opportunity to accommodate additional dwellings into the current proposal. Therefore, seeking 35dph is not considered appropriate or necessary in this case.

The proposal seeks to re-develop a largely brownfield site into a housing use, at a time of need. Officers are satisfied that the proposal represents an effective and efficient use of the land and the residential development may be accepted in principle. However, consideration must be given to the local impacts of the proposal, as set out below.

Urban design

Relevant design policies include Policies LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with Policy LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

The buildings on Hartshead Moor, including those fronting onto Halifax Road which the proposal would be most evident from, are varied in design. They include 19th, 20th, and 21st century housing. While of varying eras, the buildings have a simple local vernacular typical for their respective period of construction. All are faced in stone, bar limited examples of render, with roofing being either slate or tiles. The dwellings are predominately two storeys onto Halifax Road, although bungalows are evident. In the vicinity of the site many dwellings are closely spaced and of a relatively high density.

While the site (including its open space) has been noted by representations as having value, the portion of the site which is open is secluded behind the building line. Therefore, it does not materially contribute to the character of the area when perceived from the public realm and it is of limited wider public value. It carries no formal designation in the Local Plan (for example, it is not urban green space). The loss of the open space is not, therefore, of concern.

There are no concerns regarding the demolition of the eastern modern commercial structures. The impact of demolishing the older red brick structure to the west of the site is considered further below, in the '*Impact on the historic environment*' section. The proposed retention and conversion of the traditional stone-build barn is considered an important element of the proposal that is supported by officers. It is a characterful and attractive feature of the site. The conversion works proposed are minimal and would respect the building's established character. The proposed extension is modest in scale with a complementary design which would harmonise well. It would be faced in matching materials (stone and slate), with suitable products securable via condition. A condition for window / opening details, to ensure they are implemented sympathetically, is recommended.

Regarding the new dwellings, plots 1 to 3 would face onto Halifax Road, with a modest set back, in a manner typical along the streetscene. Using an established point of access (which would continue to be shared with the Hartshead Moor Club), parking would be to the rear of the dwellings. Given the age and tight density of many units in the area, front parking is not common, so this rear arrangement would reflect that typical in the area.

Plots 4 to 9 would be accessed from a cul-de-sac, which reflects the arrangements that exist at several other nearby properties. Having a courtyard-style shared surface would be somewhat different, but would not cause the layout and overall appearance of the development to appear incongruous or detrimental to the setting. Off the cul-de-sac, the plots would be laid out in a standard contemporary fashion – while the development would be closely associated with older properties with a tighter layout and more

strictive curtilages, looking at the area as a whole, new properties with more generous curtilages alongside older units are common. Overall, officers consider the proposed layout to be appropriate for this site.

The proposed new units are considered architecturally attractive. While more contemporary in design compared to many of the adjacent properties, their appearance is rooted in the traditional Pennine vernacular common in the area. The development would therefore harmonise with the area's character. The proposed size of the units, including their footprint and massing, conform to sizes established in the area. While dormers are not typical for the settlement, their proposed use is kept to a minimum, with attractive pitched roof designs. Furthermore, they are sited only on rear elevations, away from the primary public views.

Garages are not a feature of the area. Nonetheless, as subservient outbuildings serving only four plots, which are set back in their respective plots and not prominently visible from the public realm, they would not detract from the established character.

The dwellings are to be faced in natural stone, with ashlar cills and lintels, which is appropriate. Roofing is to be slate, likewise deemed appropriate. However, to ensure suitable end products are used a condition regarding material samples is recommended.

Regarding the proposed boundary treatments, the existing stone wall along the frontage, and elsewhere around the site, is to be retained (bar necessary openings / widenings to facilitate access). A stone wall is to be erected to the rear of plot 10, at the entrance to the cul-de-sac, which will be an attractive feature. To the rear of plots 4 to 9, 1.8m high close boarded fencing is proposed. No boundary details for the rear of plots 1 to 3 have been provided, bar hedgerow planting (which, while lacking detail, is generally acceptable). KC Conservation and Design have expressed concerns over 1.8m high fencing, as it is not commonly featured within the area. Most properties with gardens are defined by planting, which is deemed a more attractive and positive means of defining boundaries. While officers note these concerns, erecting such a fence is in many instances permitted development, and such fencing is common. It is also noted that the fencing would be contained within the site and would therefore have a lesser impact on the wider area. As such, there are deemed to be no fundamental concerns with the boundary treatment details, although they are considered indicative in nature. A condition for a fully detailed boundary strategy (exact locations, typical elevations etc.) is therefore recommended. It is recommended that this condition should require the site's existing boundary stone wall to be retained (bar necessary openings being created). This can be accompanied by a note advising that due regard should be given to alternative means of boundary delineation (although, as stated above, typical fencing arrangements would not be unreasonably opposed).

Regarding landscaping, there are no trees of public amenity value on the site. Smaller / younger trees of limited value are evident around the boundary of

the rear greenfield site. The removal of the most of these is considered acceptable, however a more mature cluster along the access to the Hartshead Moor Club (to the rear of what would be plots 4 and 5) is of concern. It is ambiguous on the plans whether these trees would be retained. These are well established trees and there is no evident need for their removal. A condition requiring their retention, along with an Arboricultural Method Statement, is therefore recommended.

In terms of new landscaping, for a small residential development with no public open space on-site, opportunities are limited. Nonetheless, trees are indicatively shown within domestic curtilage and would contribute to the attractiveness of the site, as would low level planting where it can be accommodated. A condition securing a detailed landscaping strategy, to include management and maintenance arrangements, is therefore recommended.

Summarising the assessment of urban design matters, the proposal would have limited impacts on the established character of the area and would harmonise well with it. The details provided for consideration are of a high standard and the proposal would represent an attractive addition to the existing residential environment. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the Kirklees Local Plan.

Impact on the historic environment

Local Plan Policy LP35 confirms that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose general duties in respect of listed buildings and conservation areas in the exercising of planning functions. In considering whether to grant planning permission for development which affects a heritage asset or its setting the LPA should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

The Grade II Listed Oldfield Nook, and its associated listed outbuildings / structures, is located circa 90m to the northeast of the application site. By virtue of the distance and intervening structures the proposal would have no impact on this heritage asset.

The Hartshead Moor Top Conservation Area abuts the application site's north and east boundaries, with an area of circa 160sqm of the site being within the conservation area. The conservation area does not have a published area appraisal, however, its heritage value is considered to stem from its architectural form and layout. It includes notable examples of 18th and 19th century architecture and residential development. Within the conservation

area there are historic terrace rows along with the larger and grander Oldfield Nook house, which make a significant positive contribution to the area's character and appearance.

KC Conservation and Design expressed initial concerns over the proposal's demolition of the brick-built workshop to the west of the site, citing a lack of justification. It was considered to contribute to the setting of the conservation area. In response, the applicant provided detailed structural survey report, to which KC Conservation and Design commented:

Additional information has been submitted showing the condition of the building. It is clear from the additional information that the workshop is in an extremely poor condition and would require extensive work to bring it back into use. Sadly, it is therefore considered beyond viable economic repair and on balance, we consider it reasonable for the building to be removed.

Notwithstanding the accepted justification, the loss of the workshop would cause harm to the conservation area. However, as the workshop is a structure outside of the conservation area, and given its size and location (and contribution to character and appearance), the weight of the harm is concluded to be limited.

While the proposal would introduce contemporary development near the conservation area and would therefore affect its original setting, as noted above the design of the proposed development is attractive and would harmonise well with the architectural character of the area, including the historic buildings within the conservation area. Officers have considered above the use of close boarded timber fencing and it is noted that KC Conservation and Design hold concerns over its inclusion. Notwithstanding the above comments, and officers accepting its use within the proposal, it is acknowledged that its inclusion would cause a degree of harm to the conservation area.

KC Conservation and Design have requested that the new roofs be constructed using traditional wet capping, as opposed to modern dry capping. Wet capping is predominant around the site, including both within and without the conservation area. This is an attractive and characterful feature of the area, therefore, officers support and recommend the inclusion of such a condition, to reduce the proposals' impact upon the historic environment and to help the development harmonise with the character of the area.

Regarding the conversion and extension of the historic barn, this is not within the conservation area but is considered to contribute to its setting. Following amendments to the proposal, including details of the conversion work and the extension, KC Conservation and Design have confirmed no objection, although conditions have been requested regarding fenestration detailing and securing material samples, with officers recommend be imposed.

In summary regarding design matters, given the above assessment, it is considered that the proposal would cause less than substantial harm to the setting of the Hartshead Moor Top Conservation Area through the loss of a historic structure and introducing new, but well designed, development immediately adjacent to it. In accordance with paragraph 208 of the NPPF, where such harm is caused, the '*harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'. The public benefits of the proposal include the delivery of housing at a time of need, with the council currently unable to demonstrate a five-year housing land supply. Other public benefits include development of currently-underutilised brownfield land and the economic activity associated with construction. Officers are satisfied that these benefits outweigh the identified harm.

Due regard has been given Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 and the general duty it imposes in respect of listed buildings, the requirements of Chapter 16 of the NPPF, and Policy LP35 of the Kirklees Local Plan. In conclusion, officers are satisfied that the proposal complies with these policies.

Residential amenity and quality

Local Plan Policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

The site is within a dense urban environment with third party properties closely spaced to the north, east and west.

1010 – 1018 Halifax Road

The application site wraps around 1010 – 1018 Halifax Road. As a result, plot 4 would be to their north and rear, while plots 10 and 3 would be to their side and west / east respectively.

Plot 4's side elevation would be set 13.8m directly to the rear of 1014 Halifax Road's rear original elevation and 9.5m from the property's rear extensions. There would be a 2.5m separation distance between the new dwelling and 1014 Halifax Road's rear garden wall. While it is accepted that the new dwelling would be prominently visible from the dwelling's rear windows and garden area, the above identified separation distances are considered sufficient to prevent concerns of materially harmful overbearing upon the adjacent occupiers. As the new dwelling would be due north of 1014 Halifax Road, overshadowing is not expected and, as there are no habitable room windows in the site of plot 4, overlooking would not be caused. This is subject to the first-floor side window serving the (non-habitable) hallway being obscure glazed. The other properties within 1010 – 1018 Halifax Road would have a more obscure relationship to plot 4 and would likewise not be materially harmful.

By virtue of their separation distance and being to the side, plots 3 and 10 would not result in materially harmful overbearing, overshadowing, or overlooking impacts upon any of 1010 – 1018 Halifax Road.

1034 Halifax Road

1034 Halifax Road is set to the side and rear of plot 1, with the new dwelling staggered to the front of the existing. There would be a 3m side-to-side separation distance, with plot 1 projecting 8.3m beyond the front of 1034 Halifax Road's front elevation. The existing dwelling has two windows on the front elevation which are presumed to serve non-habitable room by virtue of their size and location.

The new dwelling will be evident from 1034 Halifax Road's front habitable room windows, but it would be set to the side and not overly dominant. It would not affect the primary view forward from the property, which would remain clear towards Halifax Road and the open land across it. Due to the proximity and orientation of the new dwelling, being to the southeast, a limited degree of overshadowing may occur upon the front windows in the morning. The dwelling's rear windows, conservatory and rear private amenity area would be unaffected. Considering these factors, officers are satisfied that the impacts caused would not amount to material harm to existing residents' amenities.

It is also noted that plot 1's cycle shed would be to situated between the new dwelling and 1034 Halifax Road. However, by virtue of the small size of such a structure and its location, it too is not expected to result in harmful impacts to 1034 Halifax Road's occupiers.

188 Scholes Lane

188 Scholes Lane is built upon the boundary shared with the site. Its rear wall hosts windows (two, at first floor level) facing immediately into the site. Plot 8's rear would be situated directly parallel to 188 Scholes Lane, at a distance of 10m. The plot's rear elevation would have various ground and first floor rear windows, facing 188 Scholes Lane's rear wall and windows.

During their site visit officers observed that 188 Scholes Lane's rear windows were obscured. This is understood to be a film (and not obscure glazing). This, plus the narrowness of the building and the corresponding windows on the building's frontage, leads officers to presume that the windows serve either non-habitable spaces and/or are secondary windows within habitable rooms (with the windows on the building's front being primary). Given this, officers are satisfied that, by virtue to the windows being obscured, occupiers of 188 Scholes Lane would have no clear view towards the development. Should the existing resident choose to un-obscure (i.e., remove the assumed film or swap the glazing), it would be their choice that would affect their own amenity. On balance, officers do not consider such an outcome reasonably likely.

As a historic area (as is evident by the siting of 188 Scholes Lane upon the shared boundary), close window relationships are not uncommon locally, and are not out of keeping. Further to the above, as sash windows are proposed, the applicant has proposed to obscure (either via their own film or glazing) the lower panels of plot 8's first floor windows serving the dwelling's habitable rooms (and obscure glazed the non-habitable room). This would limit the potential for overlooking to be caused towards 188 Scholes Lane and is recommended to be secured by condition.

Considering the above, officers are satisfied that, subject to condition, no harmful overbearing, overlooking, or overshadowing upon 188 Scholes Lane's residents would be caused (or vice versa, upon plot 8's occupiers).

Properties on Manor Street

Plots 6 and 7 back onto Manor Street, which hosts several dwellings. These plots would be between 15.5m and 16.75m from 4 – 7 Manor Street, each of which have habitable rooms facing towards plots 6 and 7. While the council's SPD recommends a distance of 21m between facing windows, the identified plots and existing dwellings would be at an oblique angle, a factor the SPD identifies as justifying a lower separation distance. Considering the oblique angle, the separation distances noted are considered sufficient to prevent material harm through overbearing, overshadowing, or overlooking impacts. The boundary treatments for plots 6 and 7 are to include 1.8m high timber fencing, set across the road from the properties on Manor Street facing the site, which is acceptable.

Plot 6 would have a straighter and more direct view towards numbers 10 and 12, however this is in excess of 21m and not deemed to be of concern.

7 Manor Street's rear elevation (with habitable windows) would face plot 7's single storey garage at a distance of circa 9.8m. This would be interceded by the proposed boundary treatment which, while being 1.8m high and only 1.4m from number 7's rear windows, would be within permitted development rights (i.e., could be done without planning permission) and therefore not a reasonable concern. Given the separation distance and single storey height of the garage, plus intervening fence, along with the tight nature of development established within the area, the relationship is not considered unreasonable.

Considering potential construction-phase impacts upon existing residents in the area, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative note regarding hours of noisy construction work is also recommended.

In summary, subject to the recommended conditions, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings.

Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

The sizes of the proposed residential units are a material planning consideration. Local Plan Policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units.

House Type	Number of beds	Proposed (GIA, sqm)	NDSS (GIA, sqm)
House Type A	3	124.7	90
House Type B	4	146.2	97
House Type C	3	108.5	84
House Type D	3	122	84

All units meet or exceed the NDSS standards, which is welcomed. All would have well-proportioned habitable rooms that are served by good sized windows. While it is acknowledged that plot 8's first floor rear windows would be half obscured (for reasons detailed above pertaining to 188 Scholes Lane), on balance, having regard to the large size and other with high standard of amenity the dwelling would offer, this would not result in future occupiers having an unacceptable standard of amenity

The internal spacing and separation distances between the units are acceptable and would not result in overbearing, overshadowing, or overlooking between the new units.

Plots 4 – 10 would have gardens commensurate in scale to the host dwellings that would provide an acceptable standard of amenity for residents. The rear gardens for plots 1 – 3 would be small compared to their host dwellings and would offer less amenity value to residents. The council does not have garden size standards, with each application needing to be considered on its own merits. The dwellings of the plots in question are a good size and would, for

all other intents and purposes, deliver a high standard of amenity for users. Furthermore, small (or no) gardens are common in the immediate area due to the historic local urban grain. Accordingly, the smaller garden sizes for plots one to three are not deemed to be of concern.

Halifax Road, the nearby M62, and the adjacent Hartshead Moor Club and Stafford Arms are potential sources of noise pollution which could prejudice the amenity of future occupiers. The application is supported by a noise impact assessment which concluded that mitigation via glazing and fencing is needed to mitigate harmful noise. This report has been reviewed and found to be acceptable by K.C. Environmental Health, who recommend its recommendations be secured via condition, which officers concur with.

To conclude, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Impact on highway safety

Local Plan Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 114 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Regarding traffic generation, vehicle movements produced by 10 dwellings would be minimal and are not considered to be concern. New impacts would be further limited given that the site has a pre-existing use and therefore already generates a level of traffic. It is concluded that the development would not have a material impact upon the local network or junctions regarding due to traffic generation.

The development would make use of the site's existing accesses, which currently fall below modern standards. Each is to be improved as part of the proposal and these have been demonstrated to include acceptable sightlines and radii, although final technical designs and the delivery of the

improvements need to be secured via condition. The proposed access improvements have been designed giving due regard to scheduled (and part implemented at the time of writing) highway authority road safety improvement works to Halifax Road.

To protect the visibility splays at the site accesses, it is proposed to amend the parking bays along the Halifax Road frontage (which are already being altered as part of the council's road safety improvement scheme), and provide localised "no waiting" restrictions. It is noted that any new / amended "no waiting" restrictions would need to be progressed via the separate Traffic Regulation Order (TRO) process, which would need to be progressed alongside the detailed design and approval of the site access works. Therefore, there is no guarantee at this time that these TRO's will be implemented. Should they not be implemented then the "keep clear" markings that are being provided by the council's road safety scheme would need to be amended instead to suit the new site access arrangements, which has been annotated on the proposed site access drawing.

The proposed "no waiting" restrictions would reduce the available on-street parking provision on the north side of Halifax Road between the junctions of Scholes Lane and Sunnybank Close from circa 13 spaces as existing to circa six spaces (a loss of seven spaces). Whilst the loss of on-street parking is not ideal, it is considered to be acceptable in this situation for the following reasons:

- There appear to be four existing dwellings accessed from Halifax Road between the Sunnybank Close and Scholes Lane junctions that don't have at least one dedicated off-street parking space, and so may be required to park on-street.
- Including the development site, there would be 23 dwellings and Hartshead Moor Club that are likely to require some level of on-street parking for visitors. This would equate to a minimum of six spaces based on the usual requirement of one visitor space per four dwellings.
- Based on the above, there is likely to be local on-street parking demand for approximately ten spaces. Five visitor parking spaces are to be provided within the development site. Therefore, when this is added to the six on-street spaces that would be retained on Halifax Road, this equates to a total provision of 11 unallocated car parking spaces, which should be adequate to accommodate demand.
- It is also noted that based on a number of site observations by KC Highways Development Management, up to ten cars/vans have been observed parking on the Halifax Road frontage, which could still be accommodate following development. Some of this on-street parking may also reduce following development, as parking associated with the existing timber yard business would be removed.
- It is also noted that there is scope for additional on-street parking to take place nearby on Sunnybank Close if necessary.

Regarding the internal road arrangements, the submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways Development Management, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at Section 38 stage. The proposals are deemed to comply with the standards of the Highway Design Guide SPD. Full technical details of the new access road, to an adoptable standard, are to be sought via condition.

All dwellings would have parking provision in accordance with the Highway Design Guide SPD standards. It is recommended that the provision of these spaces be secured via condition. Four dedicated visitor parking spaces within the adoptable highway and two off private drives are proposed, in excess of the expected three, and would be well spread throughout the site.

Regarding refuse, each dwelling is shown to have space for three waste bins to their side or rear. However, not all of these would be accessed via hard surface. As shown, many of the proposed bin stores would be accessed via grass. This is not appropriate, as dragging bins over grass is difficult and may damage the ground, particularly in wet weather. This would make residents less likely to utilise their provided storage facilities. A hard surface to the waste storage area is therefore needed. Officers are however satisfied that this may be addressed via a suitably worded condition.

Waste collection points are shown for plots 1 – 3 only. Refuse collection for these units would require the refuse vehicle to stop on Halifax Road, however there is not deemed any other practical option given the size and arrangement of the site. Given the number of dwellings fronting onto Halifax Road, this is an established arrangement and is not of concern.

For the new road serving plots 4 – 10, swept path analysis has been provided which demonstrates acceptable turning arrangements for vehicles up to and included refuse vehicles. A condition securing the provision of collection points for each unit is recommended.

Given the scale and nature of the development officers recommend a Construction Management Plan (CMP) be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways Development Management have also advised that a highway condition survey needs to be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post-completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is recommended by planning officers.

Policy LP20 of the Kirklees Local Plan states:

'The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area'.

The site is considered to be in a reasonably accessible location with bus stops located on Halifax Road around 100m from the site, which provide hourly services between Brighouse and Leeds. The footway provision is considered to be adequate within the vicinity of the site, and the pedestrian and cycle provision will be enhanced following the completion of the council's road safety scheme, including the provision of the new toucan crossing that will assist pedestrians crossing to/from the westbound bus stop. The applicant has proposed a cycle shed for each dwelling, the delivery of which may be secured via condition.

Subject to the recommended conditions, officers are satisfied that the proposal would not harm the safe and efficiency operation of the highway, in accordance with Policies LP20, LP21, and LP22 of the Kirklees Local Plan.

Drainage and flood risk

The site is within Flood Zone 1 and is below 1ha in size. Therefore, a site-specific Flood Risk Assessment is not required although due regard must still be given to surface water flood risk.

A surface water drainage strategy has been submitted and reviewed by the Lead Local Flood Authority (the LLFA). Surface water is proposed to be discharged to the combined sewer beneath Halifax Road, with discharge via infiltration or watercourse having been discounted. Given the site is somewhat split, two attenuation tanks with a discharge rate of 3.6l/s (each) have been proposed, and this is considered acceptable. The submitted drainage strategy is considered sufficient to demonstrate adequate space for water has been considered and demonstrated as feasible. A condition for a full technical drainage strategy has been requested by the LLFA and is recommended by officers.

No details regarding flood routing during an exceedance event have been provided, although no fundamental concerns exist in this regard. The LLFA are satisfied that this may be addressed via condition. A condition for temporary surface water management is also required, to ensure surface water is controlled during the construction phase.

The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement.

Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement,

the proposal is considered by officers and the LLFA to comply with the aims and objectives of Policies LP27, LP28 and LP29 of the Kirklees Local Plan.

Other matters

Air quality

The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.

The provision of cycle storage facilities per dwelling are recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.

While the provision of EVCPs is now mandatory for new dwellings under the Building Regulations, there is no obligation for them to be made operational or for them to be retained. In the interest of securing long-term benefits, a condition for their retention is therefore considered reasonable and necessary.

Considering the above, the proposal is considered to comply with Policy LP51 of the Local Plan.

Contamination

The application is supported by a phase I Geoenvironmental Risk Assessment. The reports identified some potential sources of contamination which require on-site investigation and potentially remediation, although nothing prohibitive to development was identified. K.C. Environmental Health support the methodology and findings of the report. Subject to conditions for a phase II investigation, remediation strategy and validation report (as required), officers are satisfied that the proposal complies with Policy LP53 of the Local Plan.

Ecology

Policy LP30 of the Local Plan states that the council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist. The application was originally submitted with a Preliminary Ecological Appraisal (PEA) which has been reviewed by K.C. Ecology.

The PEA, the findings of which are largely supported by K.C. Ecology, recommended that a bat survey be undertaken. On submission, no such survey was undertaken, which K.C. Ecology objected to. When queried on this the applicant provided an updated scoping survey with an activity survey having been undertaken, the findings of which were accepted by K.C. Ecology.

In conclusion, the site (and buildings to be demolished) is determined to be of negligible value to bats and other protected species, although it was identified that the development process and post-development external lighting could prejudice bats and hedgehogs. A condition for a Construction Environmental Management Plan: Biodiversity is therefore recommended, to ensure construction activity is managed in a considerate way. Conditions are also recommended for:

- A lighting design strategy
- An ecological design strategy, to include the delivery of bat and bird boxes, and hedgehog holes in fencing.

The invasive species Pontic rhododendron, Montbretia and Japanese knotweed were identified on site. Therefore, a condition for an invasive species management plan is recommended, to manage and avoid spreading invasive species within and outside the site.

The above considers the proposal's direct impacts on local habitat and species. Policy also requires development to result in a biodiversity net gain, in this case a 10% gain using the DEFRA Metric.

The proposal includes an indicative strategy for the improvement of the habitat on site. Nonetheless, by virtue of introducing built development over much of the site, the application's Biodiversity Net Gain metric calculates that post-development there would be an overall net loss of 0.59 habitat units at the site (28.7% net loss). The proposal would deliver a net gain in excess of 10% for hedgerow units (0.26 units or 100% net gain demonstrated).

It is considered that all options to maximise the provision of habitat units within the site and the wider area have been exhausted. As such, off-setting would be required in order for the development to achieve a biodiversity net gain for habitat units. Therefore, a commuted sum of £18,285 would need to be secured within the Section 106 agreement in order for the development to achieve a 10% biodiversity net gain.

Notwithstanding the identified off-site contribution, as noted the proposal would deliver some habitat, hedgerow and water units on site. A condition for an Ecological Design Strategy, to detail their delivery, is proposed along with their management and maintenance being secured within the Section 106 agreement, for a minimum of 30 years.

In summary the proposal would not unduly affect local habitats and, through contributions and on-site improvements, represent a biodiversity net gain. Furthermore, the proposal would have no significant impacts upon local species. Subject to the above conditions and securing the off-site BNG contribution, the proposal is considered to comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan.

Mineral Extraction

The site is within wider mineral safeguarding area (SCR with Sandstone and/or Clay and Shale). Local Plan policy LP38 therefore applies. This policy seeks to ensure valuable minerals underground are not prohibited from future extraction by new development. Therefore, the policy requires that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply.

Given the size of the site and that it is surrounded by development on three sides, there is no reasonable prospect of mineral extraction taking place at the site. The pressing need for housing is also a consideration. Therefore, the proposal is deemed to comply with the exceptions set out in Policy LP38.

Representations

Most matters raised via the representation period have been addressed elsewhere within this report. The following are matters not previously directly addressed.

- Questioning whether the proposal complies with 'EDG Governments Rear Privacy Policy', with the author continuing 'i.e., 25m of each rear facing occupied room'.

Response: It is unclear what this comment refers to. Officers assume it may be referring to the 'Essex Design Guide'. This is not a national planning policy document, but a planning guidance tool used by local planning authorities in Essex. It carries no weight in determining this application.

- The proposal will result in overbearing, overshadowing, and overlooking of neighbouring dwellings and their private garden spaces. Certain plots should be bungalows to minimise impacts on neighbouring properties.
- The development will cause noise pollution.

Response: The potential impacts on nearby properties has been considered and found to be acceptable elsewhere in this report. There are no reasonable grounds to insist upon bungalows.

Residential development is not considered a significant source of noise pollution, and locating residential properties alongside each other is acceptable from this perspective.

- The proposal is unclear on plans to the site's boundaries, lacking detail on heights and materials.

Response: The plans were updated following this comment and provided clarification. Nonetheless, a condition for a comprehensive and fully detailed boundary strategy is to be imposed.

- Future residents should not be allowed to build outbuilding and/or have domestic paraphernalia such as trampolines, as these will harm the amenity of neighbouring residents.

Response: Permitted Development rights are to be removed for existing and outbuildings, given the tight nature of the development site and the proximity of neighbouring properties. However, it would be outside the powers and remit of the Local Planning Authority to remove the right to place trampolines or other such domestic paraphernalia within gardens.

- Bats are common on the site and within the area. Also, the site has vermin which need to be controlled via clearance.

Response: The impact upon bats has been considered within the applicant's supporting information and accepted by K.C. Ecology. Site clearance and the potential for vermin would fall outside the remit of planning.

- The proposal will restrict access to the rear of 188 Scholes Lane which is built upon the shared boundary. Rights of access should be secured within the sale of plot 8 (that closest to 188 Scholes Lane). Furthermore, the ground level of plot 8's garden should not be higher than 188 Scholes Lane's ground floor, to avoid rising damp.

Response: Rights of access between landowners is a private matter and outside the remit of the Local Planning Authority.

The plans indicate no alterations to ground levels near to 188 Scholes Lane, however, for the avoidance of doubt a condition preventing groundworks is recommended. This is to prevent ill-considered development prejudicing the amenity of 188 Scholes Lane's occupiers through harming their living standard and amenity.

- Part of the land within the red-line is owned by a neighbouring resident. Access rights must be retained.

Response: Rights of access between landowners is a private matter and outside the remit of the Local Planning Authority. Certificate B has been signed and there is no evidence to suggest that notice has been served incorrectly.

Section 106 agreement and conditions

An appropriate Section 106 agreement (concerning the relevant matters described earlier in this report) was completed on 21/11/2024.

Pre-commencement conditions have been agreed with the applicant.

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

Application Number: 2023/90488

Decision Authorisation: Delegated Powers

Officer Recommendation: Approve, subject to S106 and conditions.

Conditions and Reasons

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Development to be implemented in accordance with

3. Notwithstanding the submitted plans, there shall be no ground works or engineering operations (including the rising of ground levels) within 1.0m of the external walls of 188 Scholes Road.

Reason: To prevent issues associated with structural and/or damp affecting the adjacent property, in the interest of preserving residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

4. Notwithstanding the submitted plans, the 'existing tree line' as denoted on plan ref 'P100 rev. H' shall be retained.

Reason: To avoid uncertainty over what is being granted and in the interest of good urban design, in accordance with Policies LP24 and LP33 of the Kirklees Local Plan.

5. The roofs of all the hereby approved dwellings and the extension / repair to the converted barn, identified as plot 10 on plan ref P100 rev H, shall be finished in traditional wet verge / capping.

Reason: In order to ensure an appropriate quality of development, in the interests of maintaining the significance of the heritage asset, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

Details to be provided prior to development commencing

6. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;

- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contact details, including details of their remit and responsibilities;
- Details of engagement undertaken / to be undertaken with local residents, occupants and/or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

7. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP:Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP:Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

8. Prior to development commencing, an ‘invasive non-native species protocol’ shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of invasive non-native species, including the identified Pontic rhododendron, Montbretia and Japanese knotweed on site. The report shall include timescales for the implementation, and any ongoing stages, of the removal process(es). Thereafter the development shall be undertaken in accordance with the approved strategy.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.

9. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of

development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. 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 two 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 the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

11. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be 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; and
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

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: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.

12. Prior to the commencement of development (including ground works), a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings. Upon completion of each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highway defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these highway defects shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the Highway, and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that the highway condition survey is undertaken at an appropriate stage of the development process, in advance of any construction works commencing that may affect the condition of the highway.

13. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls adjacent to the proposed adoptable highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

14. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: To ensure that any structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

15. Prior to development commencing and pursuant to the requirements of condition 4, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a Tree Protection Plan and details on how the construction work will be undertaken with minimal damage to the adjacent trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate regard is given to mitigation and that any necessary measures are in place to protect the trees, prior to works taking place.

Details to be provided prior to above ground works commencing

16. Prior above ground works commencing, notwithstanding the submitted plans, a comprehensive boundary treatment plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the site's existing stone wall being retained and repaired bar removal necessary to facilitate the addition of the new openings denoted on plan ref P100 ref. H. The submission shall, as a minimum, be supported by a layout plan identifying the boundary treatment locations, typical elevations for all boundary treatments proposed and details of the natural stone to be utilised in repairing the existing stone wall. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure an appropriately designed and attractive comprehensive boundary treatment is installed, in the interest of residential and visual amenity, to comply with Policy LP24 of the Kirklees Local Plan.

17. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;

- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities;
- Details of street trees, to include tree pit details;
- Assessment of landscaping impact on new and public sewer infrastructure;
- Details of an implementation and maintenance programme for a minimum five-year period;
- Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development.

18. Prior to above ground works commencing, a detailed drainage strategy for restricting the rate of surface water discharge from the site to a maximum of 3.6 litres per second (per attenuation tank) shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be designed to attenuate flows generated by the critical 1 in 100-year storm event with a 30% allowance for climate change and include attenuation construction details / design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision. The strategy shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. 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: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

19. Prior to above ground works commencing, 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, in both directions, shall be submitted to and

approved in writing by the Local Planning Authority. This shall include mitigation works within plots where avoiding flood routing within curtilage is not reasonably practicable. No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

20. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall detail the delivery of Biodiversity Enhancements on site, as indicatively identified in section 6.1 of the Preliminary Ecological Appraisal, and also demonstrate how a minimum of 1.46 habitat units and 0.26 hedgerow units are to be achieved post-development and include details of the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works, which shall include but not necessarily be limited to, the inclusion of hedgehog holes and bat / bird boxes, on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. Thereafter the development shall be implemented in accordance with the approved details and be so retained thereafter.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Prior to above ground works commencing, notwithstanding the information shown on drawing 22098/GA/01 rev E, full details of the permanent site access works (for both the eastern and western site accesses) and associated alterations to Halifax Road, including closure of redundant accesses, removal of redundant dropped crossings, new or amended Traffic

Regulation Orders, measures to prevent obstructive parking within the vicinity of the accesses other associated works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

22. Prior to above ground works commencing, notwithstanding the information shown on drawing 22098/GA/01 rev E, a detailed scheme for the proposed internal estate streets to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes, street trees and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented and maintained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

Details to be provided and/or works to be undertaken prior to specific trigger

23. Prior to the removal of any existing windows and doors within the barn to be converted, identified as plot 10 on plan ref P100 rev H, full details including the design and details of all windows and door repairs / replacements (drawn at a 1:10 or 1:20 scale) shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed and retained thereafter in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development and to protect the character and fabric of the listed building, in the interests of maintaining the significance of the heritage asset, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

24. Prior to their use, details of all the external facing materials for the hereby approved dwellings and the extension / repairs to plot 10, as identified on plan ref. P100 rev H, to comprise natural stone walling and slate roofing, shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

25. Prior to the installation of any external lighting (excluding that within the highway), a 'lighting design strategy' giving due regard to amenity, biodiversity, and security, shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, while ensuring appropriate crime mitigation without prejudicing the amenity of residents, to comply with Policies LP24 and LP30 of the Kirklees Local Plan.

Details to be provided and/or works to be undertaken prior to occupation

26. Prior to the occupation of each dwelling, each dwelling shall have an Electric Vehicle Charging Point (EVCP) installed to serve a dedicated parking space. The cable and circuitry ratings for the EVCP shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

27. Prior to the occupation of each dwelling, each dwelling's respective car parking spaces as shown on plan ref P100 rev H shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13/05/2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) each parking space shall be so retained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan.

28. Prior to the occupation of any dwelling, a Validation Report in respect to the approved Remediation Strategy 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 the National Planning Policy Framework.

29. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

30. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment by Environmental Noise Solutions dated 03/02/2023 ref NIA-10546-22-10767-v2 Cleckheaton:

- Shall be completed; and
- Written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

31. Prior to the occupation of any dwelling, notwithstanding the submitted plans, details of the provision for waste storage and waste collection facilities per dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The waste storage facilities shall accommodate three residential waste bins per dwelling and include screening and access via a hard surface. The waste collection facilities shall include a hard surface where waste bins may be collected by refuse services. Prior to the occupation of a dwelling, its dedicated waste storage and collection facilities shall be installed and made ready for use in accordance with the approved details.

Reason: To ensure effective and usable waste storage and waste collection facilities are provided, in the interest of visual and residential amenity, as well as the effective facilitation of waste collection, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

32. Prior to plot 4, as identified on plan ref P100 rev H, being occupied, the first floor side facing window of the building hereby approved shall be obscure glazed. 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 with or without modification) the obscure glazing shall thereafter be retained.

Reason: To prevent concerns of overlooking, to preserve the amenity of future occupiers and neighbouring residents, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

33. Prior to plot 8, as identified on plan ref P100 rev H, being occupied, the first floor rear facing windows shall have their lower sash of the sash windows obscure glazed, as shown on plans ref P107 rev D and P113 rev A. 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 with or without modification) the obscure glazing shall thereafter be retained.

Reason: To prevent concerns of overlooking, to preserve the amenity of future occupiers and neighbouring residents, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Ongoing requirements

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out within plots 1 – 10, as identified on plan ref P100 rev H, without the prior written consent of the Local Planning Authority.

Reason: Due to the tight nature of the site and development to neighbouring properties further development within the identified plots may have detrimental impacts upon residential amenity, good urban design, and/or the historic environment, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

Note regarding 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. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

Note on recommended hours of construction:

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:

- Monday to Friday: 0730 – 1830
- Saturday: 0800 – 1300
- 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 pursuant to condition 16:

Given the restrictive nature of the site and relationship with nearby properties, it is currently advised that the boundary treatment scheme for rear gardens avoid the use of 1.8m close boarded timber where possible. Alternatives to consider include the use of 1.2m timber and/or vegetated boundaries between gardens.

Note regarding works in the highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. Interference with the highway without the required permission(s) is an offence that could lead to prosecution.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the highway works.

This process will involve entering into Section 38 / 278 agreements of the Highways Act 1980 or other appropriate agreements to enable delivery of the highway works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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).

Note regarding structures within the highway and pursuant to conditions 13 and 14:

All new storm water attenuation tanks/pipes/culverts with internal diameter / spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Please see the below link for further details for the certification of oversize pcc manholes and their cover slabs, as advised in this document.

<https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf>

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	P001	Rev. B	24/01/2024
Proposed Site Layout	P100	Rev. H	24/01/2024
Existing Site Layout	P101	Rev. A	24/01/2024
Proposed Floor Plans	P102	Rev. B	24/01/2024
Proposed Elevations	P103	Rev. C	24/01/2024
Proposed Floor Plans	P104	Rev. A	17/08/2024
Proposed Elevations	P105	Rev. B	24/01/2024
Proposed Floor Plans	P106	Rev. C	24/01/2024
Proposed Elevations	P107	Rev. D	24/01/2024
Proposed Floor Plans	P108	Rev. C	24/01/2024
Proposed Elevations	P109	Rev. C	24/01/2024

Plan Type	Reference	Version	Date Received
Existing Floor Plans	P110	Rev. A	17/08/2024
Existing Elevations	P111	Rev. A	17/08/2024
Existing Elevations	P112	Rev. A	17/08/2024
Proposed Site Section	P113	Rev. A	24/01/2024
Proposed Site Sections	P120	Rev. A	24/01/2024
Plan General	22098 IN01		24/01/2024
Plan General	22098 GA01	Rev. E	12/04/2024
Plan General	22098 ATR01	Rev. C	21/03/2024
Plan General	22098 ATR02	Rev. C	21/03/2024
Plan General	22098 ATR02	Rev. B	24/01/2024
Design and Access Statement	2023.01.30	Rev. A	14/02/2023
Conservation/Heritage Assessment	AWID4109		14/02/2023
Noise Assessment	NIA-10546-22-10767-v2 Cleckheaton		14/02/2023
Ecological/Biodiversity Statement	Preliminary Ecological Appraisal		17/02/2023
Ecological/Biodiversity Statement	Bat Scoping Survey		15/05/2024
Transport Assessment	Transport Statement		14/02/2023
Transport Assessment	Highway Decision Log		24/01/2024
Other Assessments	Pearsons Timber Yard Stage 1 RSA Response		12/04/2024
Drainage / Foul Sewerage Assessment	Drainage Strategy Report	Rev. 3	05/02/2024
Supporting Information	Structural report, LR Pearson Timber Yard		24/01/2024
Supporting Information	Pearsons Timber Yard S1 Road Safety Audit Brief		24/01/2024
Supporting Information	Climate Change Statement		21/02/2023
Supporting Information	Planning Statement		14/02/2023
Supporting Information	Biodiversity Accounting Assessment Issue		14/02/2023
Supporting Information	Phase I Geo-Environmental Desk Study - (Issue 1)		14/02/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 22/11/2024

