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:	**2023/62/90555/W**
Site Address:	6-8, Peat Ponds, Salendine Nook, Huddersfield, HD3 3UA
Description:	Alterations to existing cottage, conversion and extension of an existing barn to form one new dwelling and erection of detached double garage with associated external works and landscaping.
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FUL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 13th July 2023

Officer Report

Site Description

6-8, Peat Ponds, Salendine Nook, Huddersfield, HD3 3UA

The application site comprises of a two-storey stone-built cottage and attached barn which are accessed from Peat Ponds off Laund Road in Salendine Nook. The site is surrounded by residential properties to the north, east and south. To the west is a derelict and heavily fire damaged property that was previously in used as residential accommodation. An application is currently in at the Council to redevelop this site for residential purposes (app ref: 2023/91560).

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

Description of Proposal

The application seeks planning permission for alterations to the existing cottage, conversion and extension of an existing barn to form one new dwelling and erection of detached double garage with associated external works and landscaping.

The proposed extension to the existing barn is to be located along the south-eastern elevation of the barn and will measure ~8.4m x 5.7m, with a ridge height of 6m.

The proposed double garage is to be located along the south-eastern boundary of the site and is to measure ~7.2m x 6.1m, with a ridge height of 5.6m.

Alterations proposed to the existing cottage include the removal of the existing rear entrance to the cottage, with a new additional entrance proposed on the front elevation. A porch is also proposed to the front adjacent to a new entrance door providing access into the converted barn. Alterations are also proposed internally to allow for an amended layout.

Materials include natural stone walling, ashlar stone sills and heads, natural slate roof tiles, aluminium and timber doors in dark grey, aluminium framed windows in dark grey and timber framed car doors in a natural colour.

History of negotiations/amendments received

A Preliminary Roost Assessment was requested following comments received from the Council's Ecology Officer however, following a site visit, the Council's Ecologist confirmed that additional survey work was no longer required. Highway Officers also requested some additional information in respect of visibility splays, a widened access, swept paths and waste collection and

upon receipt confirmed the further detail satisfied their initial request. Finally, Officers sought to request amendments in respect of the design of the proposed dwellings in the interests of both visual and residential amenity.

Relevant Planning History

There is a currently pending application at the adjacent site 10 Peat Ponds (ref: 2023/91560). The application at no.10 is seeking to replace / reinstate the existing dwelling. The pending application shows no.10 would have no habitable rooms to the front elevation facing the dwellings the subject of this application and this is taken into account in the assessment of this application.

Representations

Final publicity date expires:

Neighbour Letters – Expired 5th April 2023.

1 comment has been received to date; this is summarised below.

- A door has been installed into the property; this door is shown on the submitted plans but did not previously exist.

Officer note: Noted. As the host building is not listed and does benefit from permitted development rights the applicant is able to install a door within this property without the need for the submission of an application for planning permission to the LPA.

- The proposed garden to the front will obstruct the access to the entrance of 10 Peat Ponds and will make it very difficult to access the drive.

Officer note: Noted. The Council's Highways Team were consulted on the proposals and raised no concerns in respect of the proposed garden to the front of the property.

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

Consultation Responses

KC Highways Development Management – Comments received 29th March 2023. Highway Officers request additional details in respect of a widened access, visibility splays, swept path analysis and details surrounding waste collection presentation points.

Officer note: Following receipt of amended plans the Council's Highways Officers raise no objections and the proposals are deemed to be acceptable

from a highway's perspective. Subject to a condition relating to the surfacing and draining of the proposed parking areas.

Environment Agency – No comments received within statutory timescales.

KC Ecology Unit – Comments received 16th March 2023. Officers request the submission of an Preliminary Roost Assessment or Bat Scoping Survey to be carried out prior to the determination of the application.

Officer note: Following a site visit undertaken by the Council's Ecologist it was concluded that given the poor state of repair of the existing building no survey work will be required. However, a condition should be included which requires either a bat or bird box to be installed within a suitable location on the building.

KC Environmental Health – Comments received 14th March 2023. No objections subject to conditions and informatives relating to contaminated land, construction noise and electric vehicle charging points.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

The application site is located within a Bat Alert Area and a Source Protection Zone (50k).

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP7** – Efficient Use of Land and Buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity & Geodiversity
- **LP34** – Conserving and Enhancing the Water Environment

- **LP51 –** Protection and Improvement of Local Air Quality
- **LP53 –** Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees House Extensions and Alterations SPD (2021)
- Biodiversity Net Gain Technical Advice Note
- Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide (2019)
- Kirklees Waste Management Design for New Developments

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2 –** Achieving sustainable development
- **Chapter 4 –** Decision-making
- **Chapter 5-** Delivering a sufficient supply of homes
- **Chapter 9 –** Promoting sustainable transport
- **Chapter 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

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

1 - Principle of Development:

1.1 – Sustainable Development

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

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

The site is not within a specific allocation on the KLP Policies Map. Policy LP2 of the KLP states that:

"All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

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

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

Although the Local Planning Authority is likely to be able to demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. However, the provision of

housing needs to be balanced against all policies and material planning considerations considered within the following report.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The site has a density of approximately 8 dwellings per hectare, this would increase to an approximate density of 16 dwellings per hectare.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

It is considered a higher density of development of the site would likely lead to issues in terms of design, impact on neighbouring amenity and parking/access problems. As such, in this case, there are considered to be circumstances which justify the proposed density of development. In addition the proposal would increase the density of the existing site as development currently.

In this case, the application site is on land without notation within the Kirklees Local Plan. Given the existing residential use of the site, it is considered that the principle of redevelopment of the existing use in this location is acceptable, subject to the assessment of impacts on visual and residential amenity, highway safety and other matters.

2 – Impact on Visual Amenity

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…”

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

"New residential development proposals will be expected to respect and enhance the local character of the area by:

• Taking cues from the character of the built and natural environment within the locality. • Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
• Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

In this instance, the proposals are to utilise an existing stone-built cottage and barn. Whilst only minor alterations and a new porch extension are proposed to the cottage, the barn conversion will include some more larger extensions and additions. However, given that the buildings are existing, the layout scale and size of the dwellings are to be somewhat dictated by their current layout and formation.

Nevertheless, the proposals are considered to form a coherent building line and do propose roof types and heights of buildings which are reflective of adjacent properties and therefore are deemed to be in accordance with Principles 5 and 15 of the above SPD.

In terms of the proposed extension and additions to the barn. The proposed extension is to be two-storeys in height but will be set down from the ridge of the host building by approximately 2m. The extension will also be stepped in from both the east and western elevations, ensuring that it would appear as a subservient addition to the property.

Looking at the proposed detached garage, whilst this element of the scheme is to be somewhat large in scale and massing, being two storeys in height to provide a garage at ground floor level and office/playroom and WC at first floor, the application site does benefit from a large amenity space to the rear which is somewhat tucked away from public view. The garage would also be viewed amongst the existing two-storey buildings and is adjacent to a large two-storey garage at no. 2A Peat Ponds and therefore is not considered to appear as an alien feature in this location. However, should planning

permission be granted conditions are recommended to restrict the use of the garage to that as applied for in connection with the dwelling which relates to the converted barn. In addition, to ensure no development takes place to the dwellings which has a detrimental visual impact it is recommended permitted development rights are removed for development within classes a – d of part 1 of the town and country planning (general permitted development) order 2015 (as amended). Exceptional circumstances are considered to exist in this case, set out in the conclusion section of this report.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality, this is supported further by point C) of LP60 of the Kirklees Local Plan.

In respect of the proposed windows and doors, the majority of the existing openings within the cottage and barn are to be utilised and therefore are deemed to be acceptable. Additional windows are proposed within the converted barn to enable the property to become a liveable space. whilst Officers acknowledge that some large pieces of glazing are proposed within the north-east elevation and do give the property a more modern edge, this is softened by the proposed traditional timber framed cart doors.

Given the materials used within the host properties and within adjacent buildings, the use of natural stone and natural slate roof tiles in this location are considered to be complimentary to the context of the area. The provision of timber and aluminium in dark grey is also accepted as these materials can be found within the surrounding area.

Given the nature of the proposed dwellings, it is considered reasonable and necessary to include conditions which restrict permitted development rights to ensure that the buildings simple and traditional construction is not diluted over the years by incorporating such things as dormer windows, porches and roof lights. To conclude, the proposals are considered to accord with Local Plan Policies LP1, LP2, LP11 and LP24, Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3- Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘…minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

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

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

Impact on no. 10 Peat Ponds

This neighbouring property is currently vacant and in a poor state of disrepair. However, works are currently underway at the site and a planning application for the erection of a replacement dwelling (application reference: 2023/91560) has been submitted to the Council.

No. 10 Peat Ponds is located to the north-east of the application site, approximately 3m away. As the majority of the changes proposed relate to the rear of nos. 6-8 away from this neighbouring property, Officers have no concerns that the proposed alterations would appear overly dominant or overbearing on no. 10 in this instance. Furthermore, whilst the proposals will result in some additional overshadowing, the majority of this new shadowing would fall across the garden area and parking area of the new dwellings. Therefore, habitable room windows or useable amenity space belonging to no. 10 would not be impacted upon. Finally, in terms of overlooking, no new or additional windows are proposed within the eastern elevation of the cottage and therefore there are no concerns. Whilst it is acknowledged that the conversion and extension of the existing barn will include several new windows, these windows would look out across the proposed driveway of no 6-8 and therefore would not impact on any habitable room windows or amenity space belonging to no. 10.

Impact on no. 2A Peat Ponds

This neighbouring property is located to the south of the application site as is most likely to be impacted by the proposed extension to the barn, converting it into a residential property. Given the orientation and location of this neighbouring property to the application site Officers have no concerns with regards to overshadowing or the loss of light. Furthermore, no habitable room windows are proposed within the south-east or south-western elevations of the new dwelling and therefore Officers have no concerns in respect of overlooking in this instance. Whilst the majority of the proposals relate to the conversion of an existing building and therefore would not result in any

changes to the scale and massing of the property, a two-storey extension is proposed off of the barn to the south bring the property closer to no. 2A. Nevertheless, the proposed extension is significantly stepped down from the ridge of the host building and does not extend to the full width of the barn. This does ensure that it appears as a subservient addition. Furthermore, although closer to no. 2A, there would still be a separation distance of around 13/14m from the extension to the main body of the neighbouring property. The extension is to sit adjacent to the existing two-storey garage at no. 2A which does not benefit from any windows within the northern elevation. It is therefore considered that the proposed extension would not appear overbearing or overly dominant given its location and the context of the surrounding area.

Impact on no. 2-4 Peat Ponds

This neighbouring property adjoins the application site to the south-west. Whilst 2 windows are proposed within the south-western elevation of the new dwelling Officers have no concerns in regard to overlooking or the loss of privacy as these windows are to be obscurely glazed and this will also be conditioned should planning permission be granted. In terms of the proposals being overbearing, given that the majority of the works relate to a conversion of an existing building Officers have no concerns with respect to overshadowing or the proposals appearing overly dominant on this adjacent neighbour. Whilst an extension is proposed to the barn, this extension is located approximately 10m away from no. 2-4 and would be set down from the ridge height of the existing barn and would not extend to its full width. Officers therefore have no concerns on this occasion.

Impact on no. 12 The Oaks

This neighbouring property is located to the north-west of the application site approximately 15m away. Whilst habitable room windows are proposed within the front elevation (north-west) of the dwellings, these windows would look across to a blank gable end at no. 12 and therefore Officers have no concerns with regards to overlooking or the loss of privacy on this occasion. Furthermore, the majority of the proposed extensions and alterations are proposed to the rear of nos. 6-8 and therefore would be located away from no. 12. Officers therefore have no concerns with respect of overshadowing or the proposals appearing overbearing in nature on this neighbouring property as there are minimal changes proposed to the front of these buildings and therefore, they will appear similar in scale, massing and appearance when viewed from no. 12.

Impact upon amenity of future occupiers of the proposed development

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the

floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Internally the proposed dwellings would have a GIA which would comfortably exceed the recommended minimum gross internal floor area for a two-storey 3 bedroomed dwelling and therefore would result in an acceptable standard of amenity for future occupiers. Taking into consideration outlook, light and privacy, paragraph 7.19 of the Housebuilders Design Guide all habitable rooms would benefit from at least 1 window and therefore would benefit from a suitable level of light and outlook. However, it is acknowledged that the master bedroom within the converted barn would only gain light and outlook from rooflights, whilst this would typically be a cause of concern given the location of the rooflights which are set low within the roof slope, it is considered that on this occasion a suitable level of outlook and natural light could be gained from these openings and therefore the LPA have no objections.

In terms of residential amenity space, the converted barn will benefit from a medium sized garden area to the side of the property, which will benefit from morning and afternoon sun. The cottage is to have a garden area to the front of the dwelling located adjacent to the access road Peat Ponds. Whilst the garden is somewhat small in size for a three bedroomed dwelling, this size of amenity space is not uncommon in this location and although to the front of the property, given the nature and context of the area, this space is still considered to remain somewhat private and would benefit from morning and late afternoon sun and given the sites close relationship to adjacent Urban Green Space, Officers consider the proposals to be acceptable on balance in this instance.

Also of note, there is an application in at the Council currently to redevelopment no. 10 Peat Ponds (app ref: 2023/91560) to a new residential property. Whilst this application is still pending consideration the current plans submitted do not have any habitable room windows facing towards no. 6-8 Peat Ponds or towards the converted barn and therefore there are no future concerns in respect to loss of privacy.

Finally, should planning permission be granted, to ensure no development takes place to the dwellings which has a detrimental impact on the residential amenity of adjacent neighbouring properties, it is recommended permitted development rights are removed for development within classes a – d of part 1 of the town and country planning (general permitted development) order 2015 (as amended). Exceptional circumstances are considered to exist in this case, set out in the conclusion section of this report.

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

4 - Impact on Highway Safety:

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

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

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

The proposals seek to convert the existing cottage at no. 6-8 whilst also converting and extending the existing barn to form one new dwelling. One detached double garage is also proposed to the east of the dwelling. 4 off-street parking spaces are proposed to the east of the site.

Access is to be provided down the existing access road off of Laund Road to the east. Suitable visibility splays have been provided to ensure that minimum visibility can be achieved for vehicles leaving the site, alongside an access which has a width of 4.7m which is considered to be suitable to serve five dwellings or fewer. Finally, a Fire Service Vehicle Area has been provided to meet the requirements of the West Yorkshire Fire & Rescue Service.

In terms of parking, off-street parking is to be provided to the rear for the converted barn and will include 5 spaces on both the driveway and within the detached garage. Off-street parking for the cottage is provided on to the front adjacent to the access road. The Council's Highways Officers deem this level of parking, and its location to be acceptable on this occasion.

It is however recommended that should planning permission be granted, a condition shall be imposed ensuring that the proposed garage shall not be used as anything other than ancillary accommodation to the converted barn, this is to ensure that suitable levels of parking are available at the site. This is discussed further within the conclusion of this report.

Bin storage and collection points are shown on plan and are considered suitable and therefore accord with Principle 19 of the above SPD.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Contaminated Land

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

The Council's Environmental Health Officers were consulted on the proposals who noted that the proposed development is situated on land with a coal mining legacy with the potential for shallow coal near the surface and risks associated with possible mine gas. The barn and surrounding land may have historic contamination associated with agricultural chemical storage and farm vehicle use and from looking on the Council's mapping system some fly tipping may have occurred at the site.

Notwithstanding the above, Environmental Health Officers do not object to the proposed development and therefore recommend that as a minimum a Phase I report (preliminary risk assessment) must be undertaken to determine the potential pollutant pathways at the site. Conditions for the subsequent phases of contaminated land management are also necessary. The implementation of these conditions are deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF. The agent has agreed to the imposition of the pre-commencement conditions in writing.

Source Protection Zone

Policy LP34 of the Local Plan relates to conserving and enhancing the water environment. Noting that proposals must:

"1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:

a. the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;

b. water quality; and

c. the ecological value of the water environment, including the functionality of habitat networks.

2. Ensure Source Protection Zones are protected from contamination as a result of the proposal in line with national guidance.

3. Dispose of surface water appropriately (in accordance with the Local Plan drainage policy) adhering to the following networks in order of preference:

a. to an infiltration based system wherever possible (such as soakaways);

b. discharge into a watercourse with the prior approval of the landowner, navigation authority or Environment Agency, where applicable. To comply with part 1 of this policy this must be Kirklees Local Plan - Strategy and Policies 137 13 Natural environment following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse;

c. discharge to a public sewer. Proposals are encouraged to:

4. Make positive progress towards achieving 'good status or potential' under the Water Framework Directive in surface and groundwater bodies.

5. Manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling as well as considering water availability from surface water and groundwater sources.

6. Improve water quality through the incorporation of appropriately constructed and maintained Sustainable Drainage Systems and surface water management techniques taking into account the sensitivity of groundwater".

Within the supporting text paragraph 13.44 highlights that The Environment Agency has published Source Protection Zones which seek to protect abstractions used for providing the drinking water supply. Generally, the closer an activity is to the Source Protection Zone, the greater the risk of contamination. It is therefore important that Source Protection Zones are protected from contamination as a result of the proposals in line with national guidance to ensure the continuing protection of the water supply in these zones.

The application site is located within a Source Protection Zone 50k, whilst the Environment Agency were consulted on the proposals no comments have been provided within the statutory timescales. Typically officers would therefore consider it necessary to attach a condition to the decision notice regarding the finding of unexpected land contamination however, given that Environmental Health Officers have already requested land contamination conditions, this is considered to be sufficiently covered already and therefore the proposals would comply with Policy LP34 of the KLP and Chapter 15 of the NPPF.

<u>Biodiversity</u>

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

The application site is located within a bat alert zone and is within close proximity to a number of bat roost records. However, as the existing roof of the building is in a poor state of repair and the structures on site contain no suitable roof void, the Council's Ecologist has confirmed that it is likely that bats are absent from the site and that no additional survey work will be required in this instance. In addition, the surrounding area is deemed have little suitability for foraging or commuting bats, further reducing the suitability of the site. It is recommended however, that a condition be placed on any consent that includes a bat or bird box to be installed in a suitable location on the building, this is in the interests of creating a biodiversity net gain.

Climate Change

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

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

In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers would seek the provision of 1 electric vehicle charging point per dwellinghouse within the curtilage of the site. The purpose of this is to promote modes of transport with low impact on air quality.

The applicant has submitted a Climate Change Statement which outlines that materials are to be locally sourced where possible and certain structural elements are to be re-used within the scheme. They also seek to maximise insulation levels in the external walls and roof and are considering the provision of solar panels and solar water heating. In addition, as a minimum there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

In this case the visual impact of development undertaken under pd rights, as well as the close proximity to neighbours and subsequent potentially harmful impact to residential amenity such development could have, are concluded to constitute exceptional circumstances to justify the removal of pd rights in this case. In addition, the impact of use of garage parking spaces for purposes other than parking is considered would have a detrimental impact upon access and highway safety providing further circumstances to justify the inclusion of this condition.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation: Delegated Powers

Application Number: 2023/90555

Officer Recommendation: Approve.

Conditions and Reasons:

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP11, LP21, LP22, LP24, LP30, LP34, LP51 and LP53 of the Kirklees Local Plan, policies within Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 4, 5, 6, 9. 12, 13, 14, 15, 18 and 19 of the Housebuilders Design Guide Supplementary Planning Document.

3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (3) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (4) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (5). In the event that remediation is unable to proceed in

accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Unless otherwise agreed in writing, prior to the development being brought into use, the vehicle parking areas hereby approved shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the Council's adopted Highways Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

9. Windows within the south-western elevation of the dwelling hereby approved, to serve the living room on the ground floor and landing on the second floor, shall be fitted with obscure glazing minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of adjacent neighbouring properties, in accordance with LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document.

10. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes, shall be installed to the hereby approved converted barn during the period of construction works on the southern elevation at least 4 metres above ground level and not directly above any doors or windows. Once installed the bat tube shall be thereafter retained.
Reason: To enhance opportunities for biodiversity at the site and to accord with national policies set out in Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide Supplementary Planning Document and Policy LP30 of the Kirklees Local Plan.

11. Notwithstanding the approved plans and information, 1 new sparrow terrace (or equivalent) shall be installed to the cottage during the period of construction works on the eastern elevation at least 4 metres above ground level and not directly above any doors or windows. Once installed the bird box shall be thereafter retained.
Reason: To enhance opportunities for biodiversity at the site and to accord with national policies set out in Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide Supplementary Planning Document and Policy LP30 of the Kirklees Local Plan.

12. One electric vehicle recharging point shall be installed within the dedicated parking areas of each of the approved dwellings (result in 2 electric vehicle charging points), before the dwellings hereby approved are first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason In the interests of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and policies within Chapters 2, 9 and 15 of the National Planning Policy Framework.

13. The garage hereby approved shall not be used for any purpose other than for the parking of vehicles at the ground floor level and ancillary living accommodation at first floor level which is incidental to the hereby approved dwelling (converted barn) at 6-8 Peat Ponds.
Reason: To ensure the use remains incidental to the host property in the interests of both residential amenity and highway safety to accord with Policies LP22 and LP24 of the Kirklees Local Plan, Chapters 9

and 12 of the National Planning Policy Framework and Principles 6 and 12 of the Housebuilders Design Guide Supplementary Planning Document.

14. Notwithstanding the provision 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, C, D of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.
Reason: To ensure that no incongruous or discordant additions can be made to what is a traditional cottage and agricultural building of simple construction, in the interests of visual amenity and residential amenity in accordance with Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principles 2 and 6 of the Housebuilders Design Guide Supplementary Planning Document.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Electric Vehicle Charging Points –

A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must

comply with all applicable electrical requirements in force at the time of installation.

NOTE: The above conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

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

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan as Existing	EX0001	B	27th April 2023
Site Plan as Existing	EX0003	B	27th April 2023
Ground Floor Plan as Existing	EX0012	-	20th February 2023
Floor Plans as Existing	EX0014	A	20th February 2023
Elevations as Existing	EX0020	A	20th February 2023
Sections as Existing	EX0030	A	20th February 2023
Site Plan as Proposed	AL0002	B	27th April 2023
GA Floor Plans As Proposed	AL0003	A	27th April 2023
GA Elevations & Sections As Proposed	AL0004	A	27th April 2023
Climate Change Statement – Supporting	-	-	28th February 2023

Information			

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. A Preliminary Roost Assessment has been requested following comments received from the Council's Ecology Officer however, following a site visit the Council's Ecologist confirmed that additional survey work was no longer required. Highway Officers have also requested some additional information in respect of visibility splays, a widened access, swept paths and waste collection. Finally, Officers sought to request amendments in respect of the design of the proposed dwellings in the interests of both visual and residential amenity.

Report Dated:

11/07/2023