

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:	2023/62/91922/W
Site Address:	65, The Cutting, Brockholes, Holmfirth, HD9 7HL
Description:	Alterations to rear ground floor opening, change of use of land to extend domestic garden, and erection of raised deck with store void below
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 11th December 2023

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Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91922>

Site Description

65 The cutting is a mid terraced property located within an area which is defined as part of the Strategic Green Infrastructure Network within the Kirklees Local Plan. The property is constructed from stone and has parking available to the front of the property and a lawned garden to the rear. There is no external access to rear of the property with access taken through the dwelling. Beyond the rear boundary fence is a steeply sloped banking which has a stepped access to a lower garden level, under the ownership of the application site.

The neighbouring property, No. 67 has constructed a decked area over the banking to enlarge the amenity area of the property.

Beyond the rear boundary of the terraced row are trees which are protected by blanket Tree Preservation Orders. The application site is also within Bat Alert layer and an area identified as potentially containing contaminated land.

Description of Proposal

The application is for the alterations to the rear ground floor openings, the change of use of land to garden land and the erection of a raised deck with store below.

Alterations to ground floor openings

It is proposed that the existing windows and doors within the ground floor rear elevation of the property would be removed and replaced with a bank of 4 no. bi-folding doors.

Change of use of land to Garden Land

It is proposed that the area of land most southern within the red line boundary would be used as part of the garden of no.65, this would be an area which measures approximately 4.4m x 4.9m and covers the steeply sloped banking to the rear of the garden which is under the same ownership as the application site. The change of use of the land would result in this parcel of land being classed as part of the domestic curtilage for the property.

Erection of raised deck

It is proposed that the area of land subject to the change of use would be finished with a raised deck to enlarge the amenity space for the property. The decking would be at a height of 2.6 metres and would cover the banking at an additional depth of approximately 4.9 metres. It is proposed that the floor of the decking would be galvanised steel and would be supported by steel subframe vertical supports. It is proposed that the mini pile foundations would be provided to reduce/mitigate the risk of harm to the protected trees. It is proposed that the 1.8m high fencing to match the existing fencing would bound the decked area with the existing staircase altered to create access to the lower garden area and proposed external storage area under the deck.

History of negotiations/amendments received

None, however an email has been received from the Agent in response to the consultation from the Council's Tree Officer.

Relevant Planning History

1991/05524 Formation of all weather arena, new access and erection of store and stabling
Refused

2002/91815 Erection of 33 dwellings with garages
Section 106 Full Permission

2004/94241 Erection of 31 dwellings (amended house types)
Section 106 Full Permission

2012/92645 Proposed erection of 18 dwellings (amended housing layout and types)
Conditional Full Permission

2014/92058 Compliance of conditions on previous permission 2002/91815 for erection of 33 dwellings with garages
Compliance With Conditions Approved

2015/90806 Variation of condition 7 (footpath) on previous planning permission 2012/92645 proposed erection of 18 dwellings (amended housing layout and house types)

Representations

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.

Final publicity date expired 25th August 2023 – one letter of representation received with the following being a summary of comments:

- Assuming that the planned changes will increase the owners' outdoor leisure time and therefore, could the existing and new fence be modified with the addition of acoustic panels to help mitigate any increase in noise pollution

Holme Valley Parish Council - support the application.

Consultation Responses

K.C. Arboricultural officer – Proposed micro-piles/screw piles to support the decking would be acceptable – concerns regarding tree canopies and potential increase in pressure to prune or remove trees

K.C. Environmental Health – No objection subject to a condition being imposed relating to the reporting of unexpected contamination / hours of construction and associated informative notes.

Policy

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

The site is with the Strategic Green Infrastructure Network on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan area and is within an associated landscape character area 7 – River Holme Wooded Valley.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP 53** – Contaminated and unstable land

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7, River Holme Wooded Valley.

The key landscape characteristics of the area are:

- Glimpsed views towards the wider landscape through gaps between built form
- Views across the wooded valley floor from elevated vantage points such as from Christ Church, New Mill and Holy Trinity Church, Hepworth
- Stone boundary walls are common features
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk

The key built characteristics of the area are:

- Settlements characterised by a close association between built form and landscape
- Industrial heritage features such as weirs and mill buildings
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicular movement) are also found across the moorland and fields.

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making

- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of garden terraces/balconies, the SPD states:

“Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and terraces should be:

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens*
- *Sited away from locations that are sensitive to additional noise levels or disruption*

The above listed policies and guidance within the House Extensions and Alterations SPD are taken into account within the ‘Impact on Visual Amenity’ and ‘Impact on Residential Amenity’ sections of this report.

2 – Impact on visual amenity:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the ‘Policies’ section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of visual amenity the proposed development takes the form of three elements, each assessed below.

Alterations to ground floor openings – the alteration to the ground floor openings would entail the removal of the existing patio doors and windows within the rear elevation of the property which would be replaced with a bank of four bi-folding doors. These would be centrally located within the rear elevation. Due to the siting of the dwelling, at the head of cul-de-sac and separated from Thurstonland Bank Road by trees with a separation distance of approximately 60 metres, it is not considered that this will be visually intrusive within the street scene and would therefore comply with Key Design Principles 1 and 2 of the SPD, Policy 2 of the HVNDP, Policy LP24 of the KLP and advice within the NPPF.

Change of use of land - the application has been submitted with an accompanying Planning Statement. This details the background of the use of the land subject to this application. In summary, the Statement cites that it could be argued that this land already forms part of the garden area but the land was not transferred onto the land registry plans as part of the sale of the properties within the terraced row. The Statement cites that this has now taken place and the area of land has been used as part of the garden area/domestic curtilage since the property was completed and therefore, for clarity purposes the area of land has been included for change of use as part of this application. As noted during the site visit there is stepped access to the lower garden area and therefore accessible. In terms of visual amenity, there are minimal concerns in relation to the visual impact of the use of this land as garden/domestic curtilage. This would accord with Policy LP24 of the KLP, Key Design Principles 1 and 2 of the SPD, Policy 1 and 2 of the HVNDP and Chapter 12 of the NPPF.

Raised decking – it is proposed that a raised deck is constructed at garden level height. The total maximum height of the decking would be approximately 2.6 metres. The deck would be galvanised steel supported by posts with a storage space underneath. It is proposed that the fence line would be retained

at a height of 1.8 metres from the upper garden level and approximately 4.4 metres in height from the lower garden level. Whilst the height of the fencing would substantially exceed that which could be erected by exercising permitted development rights, given the set back of the proposal from Thurstonland Bank Road and that the fencing would be sited to the north of the area subject to a blanket Tree Preservation Order, it is not considered that the fencing would have a significant impact on visual amenity. This would accord with Policy LP24 of the KLP and advice within Chapter 12 of the NPPF.

As the resultant change of use of land and the proposed raised terrace would be to the southern point of the garden, essentially extending the amenity space for the property at the current garden level it is considered that the proposal would meet the requirements of Key Design Principle 7 in relation to outdoor space which seeks to ensure that appropriately sized and usable areas of private outdoor space is retained.

The works are therefore considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD), Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of the works to the openings within the rear elevation of the property to alter the existing fenestration to a bank of four bi-folding doors, as there is no residential property directly to the rear of the application site and therefore there are minimal concerns.

Regarding the change of use of the land, this would formalise an existing arrangement which has since been resolved with the application site and neighbouring dwellings, as cited within the Planning Statement. As such, given that the layout of the site would not change when solely considering the

change of use in isolation, there are minimal concerns regarding the proposed change of use.

With regard to the raised decking, this would be a continuation of the height of the existing garden area and would project approximately 4.9 metres to cover the steep banking. It is proposed that a 1.8 metre high fence would be installed to enclose the terrace which would match the existing fencing already treating the side boundaries to the rear of the property. The closest property to the rear of the site that could be impacted on by the total 4.4 metre high fence would be No. 9 Thurston Bank Road. The property is separated from the proposed fencing by approximately 32 metres and is screened by the existing trees protected by a Tree Preservation Order, whereby a tree works application would be required to fell, prune etc. Given the separation distance from the proposed fencing and the rear of No. 9, this is considered to be acceptable.

In terms of the attached neighbouring properties, it is unlikely that there would be an unacceptable degree of harm caused to No's 63 and No. 67 as the proposed garden extension and fencing would be at the same height as the existing. Whilst it is acknowledged that No. 67 appears to have a similar proposal in situ at the property in terms of a raised terrace. However, the LPA has no record of planning permission for the structure nor have any enforcement complaints been received regarding the structure. Notwithstanding this, it appears possibly that it is the case that the structure was constructed more than 4 years ago whereby the structure would be immune from the LPA taking enforcement action in relation to the structure.

As the raised deck would have a height and fence height that would match the existing, it is not considered that there would be significant harm from overlooking, overshadowing or by being overbearing.

It is noted that a representation has been received requesting acoustic panel fencing to be installed however, as the fencing would match the existing with the property being in residential use and fact the proposal is not considered likely to lead to a significant increase in noisy activities which would be over and above that of a residential dwelling, it is not considered reasonable of the LPA to require acoustic fencing in this case. Should noisy activities take place within the amenity space of the property, at a nuisance level, this could be covered by separate legislation that is reportable and enforceable by the Environmental Health team.

The Environmental Health Team request a condition in relation to hours of construction, however, given the scale of the proposal it is considered it would be unreasonable of the LPA to insist upon this as a condition and it is recommended the hours are included as an informative note.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2

& LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there are no proposed changes to the existing dwelling other than the alterations to the fenestration details. As there are no enlargements to the dwelling itself nor any increase in bedroom provision, it is considered that the proposed works would not affect highway safety or result in an increased demand for parking spaces.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

As part of the application submission, a Climate Change Statement has been submitted which identifies that the works are subject to Building Regulations

and there would be a minimum impact on energy efficiency. In addition, the steel forming the bulk of the structure is wholly recyclable with the deck boards and joists already reconstituted materials. These measures are considered acceptable given the scale of the development proposal.

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the works proposed not affecting the roof of the existing building.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

Trees – Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

There is blanket Tree Preservation Order which covers the application site and also the dwellings on the eastern side of The Cutting extending along the land to the rear up to Thurstonland Bank Road. The Council's Tree Officer was formally consulted as part of the application process and has confirmed that the proposed micro-piles/screw piles to support the decking while minimising the disturbance to the protected trees to the south, would be acceptable from a Tree's perspective. Concern has been raised as the proposal may create pressure to prune and/or remove the Sycamore trees over the boundary and the proposed decking. This is because Sycamores are very often associated with seasonal nuisance and other issues for people nearby including but not limited to, seasonal debris; shading; pollen/dust/apprehension about size/growth; and insects/aphids. The Tree Officer requests that the applicant and any future residents are made aware of these nuisances and that as a result of the decking, its usage and any furniture on it could be impacted. The comments go on to cite that it needs to be known that due to the trees being protected by TPO any future tree works application that maybe submitted to the council with the justification/reason being alleviating the nuisances above/commonly associated with trees are likely to be refused or viewed unfavourably.

As such, the Council's Tree Officer has concerns due to the creation of pressure to prune or remove the trees overhanging the boundary which would conflict with Policy LP33 of the Kirklees Local Plan. However, the comments go on to say that should the application be approved that the use of micro-piles/screw as shown on drawing number 23/897/04b should be conditioned and that facilitation tree pruning is to be agreed in writing with the local authority and an informative added to the decision notice highlighting the presence of the Tree Preservation Order.

In response to this consultation response, the Agent has confirmed that the comments appear to predict something which has as much chance, if not more, of not happening given that the trees already overhang the garden area of the property that has been occupied a long number of years by the applicants. The Agent goes on to add that there is no record of any tree work planning application for works to the trees that overhang the existing domestic curtilage/garden area. As such, it is considered that in accordance with Officer comments, the conditions relating to the micro-piles/screws shall be conditioned and the informative added as requested.

Subject to condition and informative notes, the proposal is considered to be acceptable in this regard.

Contaminated Land – The proposed development site is situated on land identified as previously contaminated as a historic landfill site/railway cutting (ref 115/6). Environmental Health Officer's have been formally consulted as part of the application process and have commented that decking is naturally well ventilated however any storage under the decking must be afforded good levels of constant natural ventilation. Due to the historic use of the site it is recommended that a condition should be imposed in relation to the reporting on unexpected contamination. This would accord with Policy LP53 of the

Kirklees Local Plan and advice within the National Planning Policy Framework.

In terms of construction noise, this could give rise to a loss of amenity to neighbouring noise sensitive receptors, and therefore an informative is requested to be added to the decision notice in terms of limiting the hours of construction at the property.

6 – Representations:

One representation has been received with the following being a summary of comments and LPA response:

- Assuming that the planned changes will increase the owners' outdoor leisure time and therefore, could the existing and new fence be modified with the addition of acoustic panels to help mitigate any increase in noise pollution

Response: This has been addressed in the above assessment on residential amenity

7 – Conclusion:

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

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/91922

Officer Recommendation: Approve

Conditions:

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

Reason: Pursuant to the requirements of 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, LP21, LP22, LP24, LP30, LP31, LP33 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1,2 and 13 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 4, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The development shall be completed in accordance with the approved drawing number 23/896/04b in relation to the proposed mini-file foundations. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To 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.

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.

NOTE It is brought the applicants attention that the trees to the south of the site are subject to a Tree Preservation Order. Any works to prune to the trees located within the area identified as being within the area where the Tree Preservation Order is located will require a Tree Works application to be submitted and agreed in writing by the Local Planning Authority.

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

NOTE 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

NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or it 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	23/896/01		3 rd July 2023
Existing block plan	23/896/02		3 rd July 2023

Plan Type	Reference	Version	Date Received
Existing rear elevation, ground floor and garden plan and section A-A	23/896/03		3 rd July 2023
Proposed rear elevation, ground floor and garden plan, and section A-A	23/896/04b		17 th July 2023
Proposed block plan	23/896/05a		17 th July 2023
Planning Statement	23/896 – May 2023 – Rev: A		3 rd July 2023
Climate Change Statement	23/896 – May 2023		3 rd July 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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 7th December 2023

Coal – low