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:	**2023/62/92041/E**
Site Address:	Netherfield House, 12, Riley Lane, Kirkburton, Huddersfield, HD8 0RY
Description:	Erection of detached dwelling with associated alterations and landscaping
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Feb-2024

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OFFICER REPORT:

Site Description

The application site relates to an area of domestic garden space associated with 12 Riley Lane, which is a large traditional villa type dwelling of double-fronted design.

The property is a traditional building with some historic value and as such could be considered as a non-designated heritage asset.

The dwelling is set within large, landscaped grounds, which are mainly to the front where there is also a long private driveway with access from Riley Lane. The site for the proposed development sits within this large garden area.
The site is within a wholly residential area within Kirkburton village and is unallocated on the Kirklees Local Plan.
There are several Tree Preservation Orders on site and the site is within a High Risk Coal Area.

Description of Proposal

The proposal is a full application for the erection of a detached dwelling, this application is a re submission of a previous approval which has lapsed on site.
The dwelling would be of traditional design, having gable features and small dormers to the roof with barge board detailing and the use of traditional materials.
It would be sited within the large front garden area of the dwelling near to other residential development, adjacent to the long entrance driveway to Netherfield House. The dwelling would be orientated so that the main elevation faces towards the driveway and the rear elevation faces the open fields to the west.
There would be a small garden area to the west and a larger garden on the north side. An existing garage across the driveway from the dwelling would be used for the parking and garaging area.
Vehicular access would be along the existing driveway, which serves the existing dwelling.
The proposal would have a width of 17.6m with a depth of 10.7m and a maximum height of 7.9m.
This application is similar in design to the previous permission associated with this site.

Relevant Planning History

96/93027 Erection of detached double garage. Approved
2019/90634: Erection of detached dwelling with associated landscaping, incorporating existing garage and private driveway. Approved

Representations

The application was advertised by neighbour letters, which expired on 4/09/2023

Kirkburton Parish Council: No objections

Consultation Responses

KC Highways Development Management: have not been formally consulted on this application; however, the design of the proposal has not been amended since the previous submission and it is therefore considered reasonable to implement conditions regarding the layout and parking and details of storage and collection of waste to be submitted.
Coal Authority. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report. These are that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, to establish the exact situation regarding coal mining legacy issues on the site. Conditions are, therefore, required regarding the undertaking of intrusive site investigations and remedial work, if required.
KC Trees. Initially require an updated arboriculturally assessment; however, comments have been updated and can be conditioned.
KC Ecology. Has been formally consulted on this application and requested further ecological details; however, conditions or pre-determination submission for an ecological design strategy, to assess potential impact on bats, a small pond within the site and other protected species.
KC Conservation and Design. Not formally consulted on this application; however, previously highlighted the existing dwelling could be considered a non-designated heritage asset.
KC Environmental Health: have requested conditions related to actual or potential contaminated land and EV charging points.

Policy

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

The site is unallocated on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan

predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7**- Efficient and effective use of land and buildings
- **LP 11**- Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21**- Highways and Access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 28** – Drainage
- **LP 30-** Biodiversity and Geodiversity
- **LP 32.** Landscaping
- **LP 35** Historic environment.
- **LP47** Healthy, Active and Safe Lifestyles
- **LP51** Protection and Improvement of Local Air Quality
- **LP52** Protection and Improvement of Environmental Quality
- **LP53** Contaminated and unstable Land

National Policies and Guidance:

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

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

Chapter 2 Achieving Sustainable Development
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 8 Promoting Healthy and Safe Communities
Chapter 9 Promoting Sustainable Transport
Chapter11 Making Effective Use of Land Chapter
Chapter 12 Achieving Well Designed Places
Chapter14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter15 Conserving and Enhancing the Natural Environment
Chapter 16 – Conserving and enhancing the historic environment.

Supplementary Planning Guidance
Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)
Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

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) Negotiations
7) Conditions
8) Conclusion

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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 NPPF was updated on 20th December, paragraph 76 states:

> *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
> *a) their adopted plan is less than five years old; and*
> *a) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

The Council's Local Plan was adopted in February 2019 and is currently less than 5 years old.
Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 70 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".*

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle.

Policies LP1 and LP20 of the Local Plan and Chapters 2 and 9 of the NPPF both place emphasis upon securing sustainable forms of development.

It is considered that the development proposed by this application could reasonably be viewed as meeting this aim in so far as it seeks the maximum use of land that is located within the built-up area of Kirkburton. The development of the site would make more efficient use of the site in accordance with Policy LP7 of the Local Plan.

In view of the above, and as this site is enclosed by residential development, the proposal is considered to be acceptable in principle meeting the requirements of Policies LP1 and LP20 of the Local Plan and Chapters 2, 5 and 9 of the NPPF in this regard.

2 –Impact on visual amenity:

As set out above, the site is currently the garden of an existing and traditional dwelling. The host property benefits from large garden areas and, as such, the proposed dwelling would be reasonably spaced in relation to the existing buildings in and around the site.

Within Kirkburton village the majority of buildings are stone built and of traditional appearance, which could be described as the local vernacular. However, there are also a variety of property types within the wider parts of the village, particularly on Riley Lane.

In terms of the details of the design, the proposals would feature gable ends be of an individual design, would not look out of place in this part of Kirkburton, particularly in the context of the grounds of the existing site.

The proposed materials on the plans are indicated to be reclaimed stone and the application form makes references to artificial stone for the facing material. The roof would be artificial stone roof flags, this is considered acceptable providing these are of good quality and conditions will therefore be required.

The windows would be painted softwood or powder coated aluminium windows, in a heritage colour. Again, the details of which, such as colour, are to be agreed.

Regarding the landscaping of the site, the previous application was supported by a plan which indicated both the new planting and that which is to be retained. The current application has been supported by:

- A tree Survey
- Tree Survey Report
- Tree constraints plan
- Topographical survey

These are the same as submitted under the previous application and updated reports would be required prior to commencement on site.

However, no specific landscaping plan has been provided to support the application. Therefore, it is considered reasonable to add a condition to the application requiring landscaping details to be provided.

In addition, conditions are required regarding the submission of further details of the facing and roof materials and window details.

Subject to appropriate conditions the proposals are considered in accordance with Policies LP 24 and of the KLP and Chapter 12 of the NPP

Impact on Heritage Assets.

Netherfield House is traditional villa dating from the Victorian era and has a grand main elevation facing into the site. There are some attached buildings of a later period. However, the property is considered to be a non-designated heritage asset and, therefore, paragraph 209 of the NPPF and policy LP35 of the KLP would apply, under which the scale of harm to the non-designated heritage asset, would need to be assessed.

The application site is within the front garden. However, there would be over 30m between the side elevation of the proposed dwelling and the front elevation of Netherfield house. In addition, the proposed dwelling is of a traditional design and does not compete with the host property in terms of scale or setting.

It was noted from the site visit, that Netherfield House is currently accessed via a long driveway, at the end of which sits the property. From Riley Lane, Netherfield House sits at the end of this tree-lined driveway and is visible from the highway. This is the only real public vantage point of the existing property. The proposed siting of the new dwelling would be within the garden to the side of this driveway and, as such, the views and, therefore, the setting of Netherfield house, when seen from Riley Lane, would not be affected.
Given the above it is considered that the proposals would not undermine the significance of the non-designated heritage asset and the proposals are in accordance with policy LP 35 of the KLP and paragraph 209 of the NPPF.

3 – Impact on residential amenity of neighbouring residents:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder's Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

The impact on residential amenity has previously been supported under the previous application, and after a site visit, it is clear that there has been no material change that would alter this assessment.

The proposed dwelling would be approximately 22m from the nearest unrelated dwelling, 10 Riley Lane, a large detached dwelling. The proposed dwelling is, however, sited so that it would be offset to one side, meaning that there would be no direct relationship between the two properties. In addition, there is substantial natural screening to the boundary of no. 10, meaning that there is unlikely to be any overlooking of this neighbouring property.
The only other nearby properties, which could be affected by the proposals are 14 and 12a Riley lane. Both these houses are over 30 m from the nearest part of the proposed dwelling and would be separated by the gardens of these properties.
Whilst the new dwelling would be visible from these properties it would be of sufficient distance to avoid any overbearing impact or significant loss of light and overshadowing. As such, it is considered that there is unlikely to be any adverse impact on residential amenity to the occupiers of these dwellings.
No specific conditions regarding residential amenity are necessary and the proposals are considered in accordance with policy LP 24 of the KLP and Chapter 12 of the NPPF.
Notwithstanding this, Permitted Development Rights (PDR's) will be withdrawn for extensions and outbuildings. PDR's will also be withdrawn for

the insertion of openings within the side elevations in order to protect visual amenity. It is noted that there are no boundary treatment details submitted in relation to this application; as such, these details will be conditioned too. There are no other properties close enough to be significantly impacted. Taking the above factors into account, and subject to the inclusion of the conditions set out above, the proposals are considered acceptable from a residential amenity perspective and would accord with the aims of policy PLP24 (as modified) of the KLP as well as the aims of the NPPF.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays. In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

4- Impact on residential amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account principle 16 of the Kirklees House Builder's Design Guide which sets out that:

'*All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations'* and that *'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.*

National space standards require the following gross internal floor area for a two storey dwelling:

3 Bedroom, 4-person dwelling set over 3 storeys- 84 square metres
3 Bedroom, 5-person dwelling set over 3 storeys- 92 square metres
3 Bedroom, 6-person dwelling set over 3 storeys- 102 square metres

The proposed floor plans do not show the proposed bed spaces; however, there are three bedrooms and the proposal is therefore is required to have an internal floor space of $84m^2$.

The proposal is shown to have an internal floor space of $161m^2$ at ground floor, It is considered that an acceptable standard of living would be demonstrated if the proposal received planning permission.

Principle 17 of the House Builders SPD states that all new houses should have adequate access to private outdoor space. The application site has an area of approximately $2300m^2$ not including the access. Approximately $161m^2$

of the site would be occupied with the footprint of the ground floor of the proposal.

Due to over 2000m^2 of the site being retained for private amenity space, it is considered that sufficient amenity space would be retained should the proposal receive permission and would not represent an overdevelopment of the site.

Overall, it has been considered that the proposal would have an acceptable impact on residential amenity and would be complaint with the aims of Policy LP24 (c) of the KLP.

5 – Impact on highway safety:

With regards to Highways Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

KC Highways have been formally consulted on this application and have not submitted any objections subject to a suitable turning provision being provide for a fire tender.

Access arrangements have not been amended since the previous permission. The previous application associated with the site highlighted that, the proposed dwelling would use the existing driveway serving Netherfield House and 10 Riley Lane. Parking and turning would be provided by the existing garage, which currently serves Netherfield House. This would be separated from Netherfield House, to form part of the new development. As there are no other parking or storage features proposed for the new dwelling, a condition shall be included with any permission, stating that this shall be retained for the use of the new dwelling.

There would be an area of hardstanding retained for Netherfield House which is to the North of the application site; therefore, sufficient parking would be retained for the existing dwelling.

The plans do not show a bin storage or collection area, although there is sufficient space for this to be provided within the site. A condition should be included to require that this bin storage area is provided before the development is brought into use.
KC Highways raised concerns under the previous application that the plans do not show turning manoeuvres for a fire tender however, given the length of the driveway, it is considered the details are acceptable. The plans have not been amended since the previous permission and it is therefore considered that, with the turning area to the front of the existing garage, the length and width of the existing access, the proposal would be acceptable in the event that an emergency vehicle is required.

As such, the application is considered acceptable in relation to highway safety and is considered to accord with the aims of Policy LP 21 and LP22 of the Local Plan

5– Other matters:

Carbon Budget

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

The proposal is for the erection of a detached dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of the dwelling. This is to comply with the aims of Policies LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Contaminated land/Coal Mining Legacy
The application site is located in a high risk Coal area; a coal mining risk assessment has been provided to support the application which has been reviewed by The Coal Authority.

The Coal Authority has recommended conditions relating to intrusive investigations and stability, it is considered reasonable to include these conditions for any future decision notices to ensure the proposal would accord with LP53 of the Kirklees Local Plan.

Drainage

The agent has indicated, on the submitted application form, that both foul water from the developed site are to be discharged into the mains sewer and a soakaway. Details of the soakaway have not been provided; Due to the scale of the proposal, the statutory drainage bodies have not been consulted on this application so it is not currently known whether these methods of drainage would be acceptable to them in this particular instance.

However, given that this site lies within a main built up area and is enclosed by residential development, it is considered very likely, on the balance of

probability, that a suitable means of draining the development could be achieved in this instance. In view of this, and as control over drainage matters It is considered reasonable and appropriate that a condition should be included with any permission, requiring the applicant to provide further details of the above, to accord with policy LP 28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Ecology/Trees/Bats

The site is surrounded by mature and semi-mature trees, several of which are protected.

KC Trees have been consulted on the application and their initial comments were:

'The tree information submitted with the application is out of date being from 2017, if it were to be used as a base in order to create a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) like as was required by condition 9 of the 2019/62/90634/E it wouldn't be very reliable. As the trees will have grown a lot since then, the canopy spreads and Root Protection Areas (RPAs) of the trees will have changed. The proposal needs to be supported by an up-to-date tree survey, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) from a reputable, experienced and suitably qualified arboriculturalist.'

However, this information was reviewed and it has been considered that, as the proposal has previously received permission following the submission of an arboriculture survey, it would be acceptable to approve this application subject to the agreement of a pre-commencement condition for the submission of updated details.

In addition, a condition has been requested to retain T8 (Oak Tree) on site,

Following the implementation of this condition and the agreement of the updated information, the proposal would accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

The site is located within a Bat Alert Layer within the LPA's GIS system, and the site includes a small area of Kirklees Wildlife Habitat Network. An ecological and biodiversity statement has been submitted to support the application which recommends that a small section of the site is converted into a wild flower meadow, two eco hedgehog nest boxes are included within the landscape alongside a bumblebee box and a bug hotel.
The documents recommends that two activity surveys are required between may and September, all tree removal is to be completed outside of bird breeding season and an ecologist to inspect the site to check there are no hibernating hedgehogs.
It is noted that there is also a pond within part of the garden area of Netherfield House, which will be retained after development. However, there

is still the possibility of protected species migrating from the pond and, as such, the potential for the pond to support, for example, Great Crested Newts should be assessed.
KC ecology have requested the details prior to determination of the application; however, as the details were previously requested by condition and the legislation has not changed since the previous application. It is considered reasonable to insert a condition on the application which requests the submission of an ecological design strategy as a pre commencement condition to ensure the proposal would accord with LP30 of the Kirklees Local Plan.
It is also deemed necessary to add a condition requiring the installation of a bat box in order to provide enhancement, the development should incorporate measures to improve biodiversity opportunity, and as such conditions are imposed. In view of this it is considered that the proposal will reasonably satisfy the requirements of Policy LP30 of the Kirklees Local Plan and of Chapter 15 of the National Planning Policy Framework in ecological terms.

Air Quality - In line with the Council's objectives for promoting sustainable methods of transport, as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended. This would be in accordance with the aims of Policies LP 20 and LP 51 of the KLP and Chapter 15 of the NPPF.

6 – Representations:
No representations received.

7 – Negotiations:
No alterations requested.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Samples of proposed materials are to be submitted and approved by the LPA.

An electric vehicle charging point shall be provided prior to first occupation of the dwelling in the interests of air quality.

The surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed.

No windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved house to safeguard the amenity of neighbouring residents.

No development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site to safeguard the amenity of neighbouring residents and preserve the character of the area.

Prior to groundworks commencing on site, actual or potential land contamination at the site shall be investigated and a Preliminary Risk Assessment submitted and approved by the LPA. In the interests of mitigating hazards associated with contaminated land.

A bat box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into us; In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act.

Prior to first occupation of the site, the agreed vehicular parking arrangements shall be provided and implemented in full.

No construction works, or deliveries to or from the site, shall take place outside of the hours of 07.30 to 18.30 hours Mondays to Fridays and 08.00 to 13:00 hours on Saturdays. No construction works or deliveries to or from the site, shall take place at all on Sundays or Public Holidays
To safeguard the amenities of neighbouring residents during the construction Period.

9 – 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.

As set out above, 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: 2023/92041
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP47. LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 5, 8, 9,11, 12, 14 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021) and Highway Design Guide SPD (2019).

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external materials including walls, roofs, doors, windows, surfacing, rainwater goods and colour finishes to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, The Kirklees House builders SPD and the NPPF

4. Before the commencement of development, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority. This shall include investigation works recommended in the conclusion of the Coal Mining Risk Assessment Report by Geoinvestigate ref: G19141, dated 24 April 2019.
Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions regarding the coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 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 works shall not commence on the development until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions regarding the coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 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 Coal Mining Risk Assessment or the Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save 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 identify and remove unacceptable risks to human health and the environment with regard ground based contaminants from the historic coal mining legacy and in accordance with Policy LP53 of the Kirklees Local Plan and Chapter15 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 Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.
Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health and the environment with regard to ground based contaminants from the historic coal mining legacy, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
8. Before development commences, an Ecological Design Strategy shall be submitted to the local planning authority for approval in writing. The report shall include the recommendations and enhancement proposals made in the Preliminary Ecological Appraisal by Elite Ecology dated May 2019. This shall include further bat activity surveys to determine the presence or likely absence of roosting bats within trees that are to impacted by the proposals,

the potential for the presence of great crested newts on the site and details of how the proposed enhancements are to be achieved. The development shall be carried out in accordance with the approved details and the agreed enhancement features shall be implemented before the development is first brought into use and retained thereafter.
Reason: To ensure that the proposals do not result in significance ecological harm and to ensure ecological enhancement in accordance with policy LP30 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework.
This is a pre-commencement condition to ensure that the required surveys and protection measures are provided at the appropriate phase of development.
9. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British Standard BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
Reason: In the interests of visual amenity and to protect the viability of the protected mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the required protection measures are provided at the appropriate phase of development.
10. Notwithstanding the submitted plans, the protected Oak tree ref T8 on the plan ref: 017009_102 Rev B shall be retained and shall not be pruned or harmed before, during or after the development has been completed.
Reason: For the avoidance of doubt, in the interests of visual amenity and to protect the viability of the protected mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
11. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.
Reason: To ensure the provision of an adequate drainage system in the interests
of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

12. The development shall not be brought into use until all areas indicated to be used for Garaging/access/parking/turning as shown on the approved plan Ref: 017009_102 Rev A has been provided for the use of the dwelling hereby approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) this shall be so

retained, free of obstructions and available for the use specified on the submitted/listed plan thereafter.
Reason: In the interests of amenity and highway safety and to accord with policies LP21, and LP24 of the Kirklees Local Plan.
13. Before the development is first brought into use, details of a bin storage and collection area shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.
Reason: In the interests of visual and residential amenity and highway safety and to accord with the requirements of policies LP21 and LP24 of the Kirklees Local Plan.
14. Landscaping and boundary treatment shall be carried out in accordance with the details shown on plan ref: 017009_102 Rev A. Notwithstanding the submitted details provision shall be made within the boundary treatment for the free movement of hedgehogs through the site.
Reason: In the interests of visual amenity and ecological enhancement and to accord with the requirements of policies LP21, LP24 and LP30 of the Kirklees Local Plan.
15.Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:
• A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW).
The scheme shall be implemented in accordance with the approved details before the dwelling is first brought into use and retained thereafter.
Reason: In the interest of improving the local air quality and promoting ultra-low emission vehicles and to accord with policy LP51 of the Kirklees Local Plan and national policy in chapter 9 of the National Planning Policy Framework, Promoting Sustainable Transport.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.
Reason: To safeguard the privacy of the adjoining properties, in accordance with the
requirements of Policy LP24 of the Kirklees Local Plan. and the provisions of the
Housebuilders Design Guide SPD (2021).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.
Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in

accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD (2021).

18. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the approved boundary treatment scheme has been implemented on the site and shall be retained thereafter.
Reason: In order to ensure that visual and residential amenity is protected in accordance with Policy LP 24the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

19. A bat box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development
Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

20. No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework.

21. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing

access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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

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

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

NOTE: Guidance on location of the sparrow boxes is given in the following links:
www.concernfor**swift**s.com/Where**Swift**s**Nest**.asp
www.londons-**swift**s.org.uk/**Nest**boxes&Attraction.htm
http://www.swift-conservation.org/swift_bricks.htm

Bird nest opportunities should not be located above windows and doors.

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.

NOTE - The removal of any remaining vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

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

NOTE: All Great Crested Newts and their habitat, Bats and their roosts and Badgers and their setts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended). It is an offence to A) Kill, injure or take a bat/badger. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat/badger. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats/badgers or evidence of bats/badgers be found at site. All contractors on site should be made aware of this requirement.

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.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Design and access statement		1/03/2023
Climate change statement		21/03/2023
Existing site/block plan	017009_101	8/04/2023
Proposed site plan	017009_102 Rev:A	7/03/2023
Proposed Site Plan	017009_102 Rev:B	8/04/2023
Site Location	017009_100	7/03/2023
Proposed Elevations	017009_201 Rev:A	7/03/2023
Proposed Floor Plans	017009_200 Rev:A	7/03/2023
Climate Change Sttement	Horace/2009/1003 REV:A	7/03/2023
Coal Mining Risk Asessment	G19141	7/03/2023
Preliminary Ecology Appraisal	May 2019	7/03/2023
Tree Survey	26/05/2017	7/03/2023
Tree Survey	30 May 2017	
Tree Constraints Plan	Arbtech TCP 01	
Topographical Survey	13633-103-2dt	
Design and Access Statement	February 2019	
Drainage	017009-103	

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

No further details were requested during the course of the application.