

**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:	2023/62/92928/E
Site Address:	Land at, Taylor Hall Lane, Mirfield, WF14
Description:	Erection of 4 dwellings
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 16 December 2024

Officer Report

Reference No. 2023/62/92928/E

Site Address: Land at, Taylor Hall Lane, Mirfield, WF14

Proposal: Erection of 4 dwellings

Site Description

The application site relates to a parcel of land adjacent to Taylor Hall Lane in Mirfield. The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area. The surrounding dwellings are highly varied in age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant is seeking planning permission for the erection of four semi-detached properties with associated external works. The dwellings would be identically sized and would have a width of approx. 4.75m, a depth of approx. 9.5m and an overall height of approx. 8.8m. The proposed dwellings would be constructed in red brick with artificial stone heads and cills and would incorporate dual-pitched roofs finished in grey concrete tiles. It is also noted that the dwellings would incorporate dormer extensions to the rear which would be constructed in grey concrete tiles to match the appearance of the roof. Off road parking is proposed to the front of the development and areas of private outdoor amenity space would be provided to the rear which would be enclosed by a 1.8m high timber fence.

Relevant Planning History

- **2023/91359:** Discharge conditions 3 (Phase I Desk Study Report), 4 and 5 (Phase II Intrusive Site Investigation Report), 6 (Preliminary Risk Assessment/Phase II Intrusive Site Investigation Report), 7 (Remediation Strategy and/Validation Report) on previous permission 2022/90158 for erection of two detached dwellings and associated works. Planning application details | Kirklees Council – Split Decision
- **2022/90158:** Erection of two detached dwellings and associated works. Planning application details | Kirklees Council – Conditional Full Permission
- **2006/94727:** Erection of 4 no. Three storey houses with integral garages. Planning application details | Kirklees Council – Withdrawn
- **2006/90402:** Erection of 3 no. Townhouses with integral garages. Planning application details | Kirklees Council – Withdrawn
- **2004/95035:** Outline application for erection of residential development (6 no. Flats). Planning application details | Kirklees Council – Withdrawn

- **93/03595:** Use of vacant store unit as children's play centre. Planning application details | Kirklees Council – Conditional Full Permission
- **87/05520:** Erection of warehouse extension. Planning application details | Kirklees Council – Granted Conditionally

Representations

The application was advertised by neighbour letters, which expired on 24th November 2023. As a result of the above publicity, no representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

The Coal Authority - No objection

KC Ecology – A preliminary ecological appraisal will need to be submitted prior to determination

KC Strategic Waste – No objection

KC Environmental Health - No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

KC Trees – No objection to the proposed development with regard to the existing and retained trees. However, the proposed plans do not show any proposed new soft landscaping and do not appear to have potential to accommodate a high-quality scheme. As a result, there is an objection to the proposal as it conflicts with Policy LP24 section (i) of the adopted Kirklees Council Local Plan.

Planning Policy Background

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel

- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 26** - Renewable and Low Carbon Energy
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - 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) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

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.

Paragraph 76 of the NPPF states Local Planning Authorities are not required to demonstrate a 5 year land supply if their adopted plan is less than 5 years old and the plan identified at least a five year supply of sites. Therefore, at this moment in time the Council is not required to demonstrate a 5 year land supply until after 28th Feb 2024 (when the Local Plan is more than 5 years old).

On the basis of the above, any applications will need to be dealt with on their own individual merits as the tilted balance does not currently apply as a result of the changes to the NPPF. The judgement in this case will be set out in the officers assessment.

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."

The proposal seeks to erect four semi-detached properties within Mirfield and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often builtout relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

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

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwellings would be three storeys in height and would be of a traditional design. The properties would be constructed in red brick with artificial stone heads and cills and would incorporate dual-pitched roofs finished in grey concrete tiles. The property would also incorporate grey PVC windows and doors and it is noted that the arrangement of fenestration and openings would be typical of this style of dwelling. On this basis, it is considered that the dwellings would not appear discordant and would harmonise well into the surrounding townscape.

The proposed dwellings would not adjoin to an existing building line on site. However, it is noted that planning permission has already been granted for two dwellings on this parcel of land under planning application reference no. 2022/90158 which could still be implemented and would constitute a material planning consideration. In terms of footprint and massing, the properties would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale and design. Therefore, the proposed dwellings would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support four dwellings as proposed with parking areas to the front and private outdoor amenity spaces to the rear. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the dwellings are acceptable, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

It is therefore considered that, subject to conditions, the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: “...*maintain appropriate distances between buildings*’ and ‘...*minimise impact on residential amenity of future and neighbouring occupiers*.”

Further to this, Paragraph 135(f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “*Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking*.”

The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The submitted plans confirm that no residential properties located north and east of the site would be affected by the proposed works.

Impact on 69 Taylor Hall Lane

69 Taylor Hall Lane is a two-storey end terrace property located south-west of the application site. It is noted that the proposed dwellings would occupy a

position approximately 23.7m from the front elevation of no.69. Given that the separation distances retained would be substantial, it is considered that there would be no undue harm to the neighbour's residential amenity with regard to overbearing, overshadowing or overlooking impact.

Impact on 1 Oliver Gardens

1 Oliver Gardens is a two-storey end terrace property located south of the application site. The submitted plans confirms that the proposed dwellings would occupy a position approximately 22.8m from no.1. Therefore, officers are satisfied that the proposal would not cause any undue harm to the neighbouring occupants with regard to overbearing, overshadowing or overlooking.

It is considered that once occupied the dwellings are 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. Therefore, should the application be approved, a footnote will be 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.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. 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 Housebuilders Design Guide SPD 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 described space standards require the following gross internal floor area for a three storey dwelling:

- 3 Bedroom, 4-person dwelling set over 3 storeys - 90 square metres
- 3 Bedroom, 5-person dwelling set over 3 storeys – 99 square metres

- 3 Bedroom, 6-person dwelling set over 3 storeys - 108 square metres

The proposed floor plans show that the properties would have three bedrooms and therefore are required to have a minimum internal floor space of 99m². The dwellings are shown to have an internal floor space of 102.7m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, private outdoor amenity spaces are proposed to the rear of the properties and areas of off road parking are proposed to the front of the site. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application is for the erection of four three-bedroom semi-detached dwellings with associated works at land adjacent to Taylor Hall Lane. As such, KC Highways Development Management have been formally consulted as part of the application, as the proposal would intensify the domestic use at the site.

Taylor Hall Lane is a part adopted 30mph two-way single carriageway which is approximately 5.8m wide with a pedestrian footway to the SW side and street lighting present. There are no TROs in the area. There is a single record of a serious injury accident collisions within the last five years almost opposite the proposed site, however, KC Highways do not consider that the proposals would exacerbate the opportunities for this type of collision to occur.

There are bus stops on a high frequency route within 475m of the proposal site. There is a primary school and a secondary school within 250m, and local facilities/shops are within 700m. This demonstrates that the proposal site is within a moderately sustainable location.

The application relates to 4 semi-detached dwellings with parking across the front. The proposal will require a dropped kerb crossing across the front of the site and this may need to be done as part of a s278 agreement (as opposed to the usual s184 agreement) as there is a proposal to create a 2m wide pedestrian footway across the frontage of the development site. The details of construction of the new footway should be provided and this can be conditioned as done with the previous permission. The proposed footway can be out up for adoption via a s38 agreement and Officers would recommend that the applicant contacts the Kirklees s38 team at the earliest opportunity to discuss the s38 team's requirements if they wish the footway to be adopted.

The submitted site plan demonstrates that two off street parking spaces would be provided per dwelling, which would be acceptable. The drawing also indicates that there is a 2.4 x 45m visibility splay available and this is acceptable. Although the full extent of the splay's y-distances are not shown on the drawing, this information should be provided and can be conditioned.

The parking appears to take up almost the full frontage of the site and with two cars parked per dwelling there does not appear to be any pedestrian links from the dwellings to the adopted highway/proposed new adopted footway. These should be clearly shown on a drawing, and this will be required by condition.

Principle 19 of the Housebuilders Design Guide SPD outlines how provision for waste storage and recycling should be incorporated into the design of new developments. The submitted plans demonstrate that bin storage would be provided to the rear of the site. This would be acceptable as a storage point but not as a collection presentation point. This should be clearly marked on a drawing and should be to the back of the adopted highway where it is accessible to an operative but not where it would obstruct access to the parking spaces. With this KC Highways consider the application to be acceptable subject to the recommended conditions.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the

Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

Electric Vehicle Charging Points

Approval under the Building Regulations will be required for any electric vehicle charging points, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that there are two recorded mine entries (shafts), within, or within 20m of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. The planning application is accompanied by a Coal Mining Risk Assessment (April 2022) prepared for the proposed development by Earth Environmental & Geotechnical Ltd. The Assessment has been informed by an appropriate range of sources of historical, geological and coal mining information. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further detailed considerations of ground conditions and/or foundation design will be required as part of any subsequent building regulations application.

Contaminated Land

The following documents have been received in support of the application:

- A Phase 1 Geo Environmental Desk Study by Earth Environmental & Geotechnical (dated April 2022, ref: A.4245/22/BDS)
- A Site Investigation Report by Earth Environmental & Geotechnical (dated August 2023, ref: A4245/23/SI)

KC Environmental Health have reviewed and commented on these reports previously as part of application no. 2023/91359. Whilst the Phase 1 report was accepted, Officers did not accept the Phase 2 report. The report does not include any discussion about the chosen methodology for the ground gas installations. In particular, Officers would expect to see comments on the targeted strata/response zone depth and why these were chosen. In addition, the report makes several references to a commercial end-use. Lastly, the report does not appear to consider any potential pathways associated with piling. Nevertheless, KC Environmental Health do not object to the application subject to the necessary contaminated land conditions and footnote being applied to any granted consent.

Construction Environmental Management Plan

KC Environmental Health understand that piling may be required at this site. Therefore, a construction environmental management plan will be necessary to mitigate adverse effects on the neighbouring occupants. Therefore, Officers have recommended a condition and a corresponding footnote to any granted consent to that effect.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The site is within flood zone 1, with no known flood risks or watercourses. Furthermore, the applicant states in the application form that the surface water is to be discharged via a soakaway.

Trees

KC Trees have raised no objection to the proposed development with regard to the existing and retained trees. This is because it does not appear likely the trees that are on site adjacent to the red line boundary will be impacted by the proposal and/or are not of amenity value enough to alter the proposal to try and prevent/minimise the impact. However, Policy LP24 section (i) of the adopted Kirklees Council Local Plan requires planting of new trees and other landscaping to maximise visual amenity and environmental benefits. The proposed plans do not show any proposed new soft landscaping and do not appear to have potential to accommodate a high-quality scheme. As a result, KC Trees have raised an objection to the proposal as it conflicts with Policy

LP24 section (i) of the adopted Kirklees Council Local Plan. However, this reason alone would not be so significant to warrant a refusal decision.

Ecology

There is a record of a great crested newt breeding pond within a 500m radius of the site, and as such, the habitats at the site could provide suitability for the terrestrial phase of this species. As such, a preliminary ecological appraisal has been submitted with the application. The report recommends that a construction and environment management plan should be submitted to ensure that these habitats are not adversely impacted during the construction works. As such, it is considered that the proposed development is acceptable providing that the works are carried out in accordance with the recommendations within the preliminary ecological appraisal.

There are no other matters relevant to the determination of this application.

6. Representations

No representations were received following the statutory publicity.

7. Negotiations

Amendments were sought during the course of the application. Concerns were raised regarding the internal floor space of the dwellings as they failed to accord with the nationally described space standards. Revised drawings were received which were considered acceptable in terms of residential amenity.

8. 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: 2023/92928

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The semi-detached dwellings hereby approved shall be faced in red brick for the external walls with artificial stone heads and sills and grey concrete tiles for the roofs. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. Prior to development commencing on the superstructure of the dwellings hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwellings hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 of the National Planning Policy Framework.

6. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk

Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site. A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the construction of the development.

Reason: This pre-commencement condition is necessary to safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

11. Prior to the commencement of development, a plan detailing the specification, positioning and location of two integrated bat boxes (Ibstock Enclosed Bat Box 'C' or suitable alternative) shall be submitted to and approved in writing to the local authority. The boxes shall be installed and retained as detailed in the approved plans.

Reason: This pre-commencement condition is necessary to provide an enhancement to biodiversity in line with LP30 and the requirements of section 15 of the National Planning Policy Framework.

12. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The parking space shall be so retained, free of obstructions and available for the use thereafter.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 2m wide footway to the Taylor Hall Lane frontage of the development site, construction specification, surfacing, drainage and kerbing and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

Reason: This pre-commencement condition is in the interest of highway safety and to allow for safe pedestrian access to and from the site in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. Prior to the development being brought into use, the sightlines of 2.4m x 43m along Taylor Hall Lane shall be shown on a plan and presented to the local planning authority for written approval and afterward these visibility splays be cleared of all obstructions to visibility exceeding 0.9 m in height and these shall be retained free of any such obstruction throughout the lifetime of the development.

Reason: This pre-commencement condition is necessary to ensure adequate visibility in the interests of highway safety and in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

15. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout of parking and pedestrian access has been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: This pre-commencement condition is necessary to ensure a suitable access and layout in the interest of highway safety and to comply with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

16. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: This pre-commencement condition is in the interest of highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and 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. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. 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 in relation to Approved Document S.

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, Flint Street, Fartown, Huddersfield (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: Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. KC Highways would recommend providing details of all proposed retaining features and underground storage facilities (including pipes) to Farhad Khatibi (Team Leader) in the structures section at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

NOTE: The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden
s

NOTE: Details of waste storage and collection requirements can be obtained in the Kirklees Cleansing Department in the document "Waste Storage and Collection Guidance for New Developments" which is available from waste.planning@kirklees.gov.uk Or at <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

NOTE: It should be noted where SUDs are proposed as part of the development scheme, consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

NOTE: It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal

Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

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: 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: For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Site Plans	01	-	02/10/2023
Site and Street Elevations	02	-	02/10/2023
Proposed Floor Plans	03	A	13/05/2024
Proposed Elevations	04	A	13/05/2024
Design and Access Statement	23087-PS01	-	02/10/2023
Preliminary Ecological Appraisal	22330/ADo	-	18/10/2024
Supporting Planning Statement	23087-PS02	-	12/01/2024
Coal Mining Risk Assessment	A4245/22	-	02/10/2023
Coal Mining Report	A4245		02/10/2023
Waste Classification Report	A4245	-	02/10/2023
Chemical Testing Results	23-01443	-	02/10/2023
Geotechnical Testing Results	MRN 4589/14	-	02/10/2023
Gas Monitoring Record Sheet	A4245/23	-	02/10/2023
Borehole Logs	A4245		02/10/2023
Site Investigation Report	A4245/23/SI	-	02/10/2023
Phase 1 GeoEnvironmental Desk Study	A4245/22/BDS	-	02/10/2023
Groundsure Report 1	A4245_Taylor_Hall_Lane_Mirfield	-	02/10/2023
Groundsure Report 2	A4245_Taylor_Hall_Lane_Mirfield	-	02/10/2023
Climate Change Statement	-	-	02/10/2023

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

the applicant in dealing with the application. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable in terms of residential amenity. Furthermore, the agent has also confirmed their agreement to the pre-commencement conditions.

Dated: 11/12/2024