

**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:	2023/62/93087/E
Site Address:	Land adj, Soothill Hall, 106-108, Oaks Road, Soothill, Batley, WF17 6LT
Description:	Erection of detached dwelling (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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: 29 August 2024

Officer Report

2023/93087 - Land adj, Soothill Hall, 106-108, Oaks Road, Soothill, Batley, WF17 6LT

Site Description

The development site is a parcel within the curtilage of the former Soothill Hall. The wider vicinity contains Soothill Hall which has been converted into flats, adjoining terrace properties and 'The Barn' which is a converted property pursuant to application 2021/90615.

The immediate site is a residential outdoor area which contains a lawn area, shrubbery and mature trees. The east aspect of which is bounded by a low stone wall, whilst the south aspect is bounded by a wooden fence. To the north rests a previously formed driveway with an access to Oaks Road. The site slopes from north to south.

In terms of the wider area, the 110 Oaks Road is a grade II listed property which is positioned to the north-east of the immediate site. A row of terraces is situated to the south of the application area.

The site rests in the Soothill Conservation Area.

Application Description

The applicant is seeking planning permission for the erection of one dwelling.

The dwelling is two-storey in height with a pitched roof. It will be constructed with coursed stone walls and stone roof tiles with white painted timber window frames.

The dwelling has a simplistic appearance that is respective of the local vernacular in the area. Features include a cat-slide roof which acts as a car port, stone cills and lintels and conservation skylights.

Windows openings are sporadic and square in shape, which again respects the local vernacular.

The building will be ~9.60m(w) x 6.80m(d), with an eaves height of ~4.10m and ridgeline height of ~6.50m.

There will be a detached garage, with a pitched roof which will be ~4.90m(w) x ~5.00(d), eaves height of ~2.20m and ridgeline height of ~4.00m. It will be constructed in materials that match the proposed dwelling.

Relevant Planning History

2021/90615 - Alterations to convert existing building to one dwelling (within a Conservation Area) – Full permission granted

2007/91969 – Demolition of existing garages, change of use and alterations to convert redundant barn to one dwelling and erection of 2 No.

2007/91968 – Conservation area for demolition of prefabrication garages – Consent granted.

98/90532 – Reuse and adaption of of barn/workshop to flats -Full permission granted

92/00576 – Conversion of wokshop to 2 flats – Full permission granted

Amendments/Negotiations

Due to the proximity to protected trees, an Arboricultural survey & impact assessment was request alongside a tree constraints plans. The positioning of the dwelling was slightly altered.

Conservation roof lights were requested.

Public Representations

The application was advertised by neighbourhood notification letters, a site notice, and a press notice.

Neighbourhood notification letter expiry date: 04-Jan-2024

Site notice expiry date: 09-Feb-2024

Press notice expiry date: 04-Jan-2024

As a result of the publicity, there were 2 objections to the proposal. Full comments can be viewed on the Kirklees planning website. A summary of the comments is as follows:

- The proposed dwelling would intrude in terms of noise and light pollution and overlook many others privacy.

- The proposed dwelling would have a direct impact on the tranquility of life on the existing residents and the surrounding community.
- The erection of a new dwelling would impact wildlife.
- There would be a loss of garden space for 9 dwellings.
- The gardens of Soothill Hall contributes to the setting of the Lower Soothill's rural aspect and the urban edge of Batley.
- There has been a failure to notify the public of the plans
- The landowner has failed to notify residents of the dwellings of the plans
- A new building in the grounds could result in conflicts between the new occupiers and existing tenant's of the Hall and houses (100- 104)
- Does the proposed "market 3 bedroomed property" fill the accommodation most need?
- The proposers have failed to refer to section 14.1 of the Conservation heritage asset.
- Consultation by the West Yorkshire Archaeology Advisory service would be required.
- The proposer has previously failed to complete and the council failed to check previous planning for completion of "The Barn".
- A two-story home built on a topographical position at an elevation to Willow's Terrace and Close would be visually prominent.
- There is a high risk of blocking of sunlight, the overshadowing and the over- looking of existing properties/tenants.
- The boundary treatments will result in the flats being closed off.
- The proposal will cause more parking issues for the other residents of Oaks Road/lady Anne
- The dwelling will cause an overlooking impact to private outdoor amenity space.
- The proposal will impact protected trees
- It is unclear what materials will be used on the dwelling.

These comments will be assessed throughout the application and concluded within the *Representation* section of the report.

Consultation Responses

KC Conservation & Design – No objection, subject to 'conservation rooflights' being installed and material samples being conditioned.

KC Trees – No objection, sufficient evidence to support there would be no impact to protected trees.

KC Highways – No objection, subject to condition(s).

KC Environmental Health – No objection, subject to conditions.

The Coal Authority – No objection.

Policy & Legislation

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 within the Soothill Conservation Area on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **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) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

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) Environmental issues
- 5) Conclusion

1- Principle of development:

Sustainable Development

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

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

Land Allocation

The site situated with the Soothill Conservation Area as allocated on the KLP Policies Map.

Policy LP2 states that:

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

Historic Environment

The National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990 outlines policy relating to development in conservation areas.

Paragraph 205 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 207 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case, the new dwelling is representative of the local vernacular on Oaks Road due to the simplistic form, architectural features and the proposed materials. The window openings are particularly respectful of the cottage type dwellings in the area. There are dwellings of a similar size in the area, such as 110 Oaks Road and ‘The Barn’. The dwelling is set down from the Oaks Road, away from the public highway. It is a high-quality design, therefore there will be no harm to the setting of the conservation area. In order that the

materials respect the historic environment, it will be conditioned that material samples are submitted and approved in writing.

The new dwelling will not be read in context with the listed building due to the spatial layout. The plans retain a significant amount of vegetation, including protected trees.

Boundary treatments and material samples have not been included within the application. In order to ensure there is no harm to the setting of the conservation area and listed building, it will be conditioned that these materials are approved, in writing by the planning authority.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy LP35 of Kirklees Local Plan reiterates the special attentions of the character of the area, 'Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.'

The new building will preserve the character of conservation area. The design is reflective of the building group. A significant proportion of the landscaping is retained which maintain the site's green character. There are no proposed works to the north aspect of the site.

Having taken the above into account, the proposals would not cause substantial harm, total loss or less than substantial harm to the significance of the conservation area and would preserve its setting, complying with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990.

New Dwelling

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing

development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.’

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 8 dwellings. However, LP7 states this target should be ‘where appropriate’ and in the policy justification set out in paragraph 6.40 that the policy allows for lower ‘densities where a site would not be compatible with its surroundings’.

One additional dwelling is proposed in this instance, whilst there are currently 9 on the site wider. The density is appropriate, so long as the development does not conflict with the character of the area or setting of the designated heritage asset.

2- Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful 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 significantly LP24 all also 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.

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 134 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. 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.”*

Dwellings in the area typically have high eaves with a low-pitched roof. They are constructed of natural stone walls and natural roof slates which the plans accord with.

There is no set layout to the Soothill Hall site. The dwelling is tucked away to the south of the site, being adjacent to ‘The Barn’, which respect the dwellings within the current site.

Private outdoor amenity space is situated to the rear of the site, it is ~15.00m x ~6.60m. It is bounded by hedging to create privacy. The residential space is substantial for a property of 3 bedrooms and is acceptable. No plans have been brought forward for private space for a front outdoor space. A scheme detailing boundary treatments will be condition as part of the approval for planning permission.

The property is situated within a corner of the site. It is ~4.40m from the nearest dwelling at Soothill Hall. Due to the setback approach of the building, it maximises the spacing of the plot, retaining the sense of space on the site.

Principle 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

The building materials and architectural design respects the local vernacular in the immediate site, including the adjacent listed building.

Principle 15 The design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The roofline is a pitched roof as are others in the area. The plot, whilst being set back leaves a sufficient space for properties to the south so not to dominate their view.

It has been communicated through email that there will be additional boundary treatments, however boundary plans have not been included within the submitted information. In order to respect the visual amenity and historic environment within the site, boundary treatments should not create a sense of enclosure. It would be likely that stone walls or low picket style fencing would be acceptable if boundaries were to be erected within the site. It will be conditioned that these the boundaries are discharged prior to occupation of the dwelling. In addition, it will be conditioned that details of the conservation roof lights are submitted and approved in writing.

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

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

Further to this, Paragraph 135 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 properties that will be affected by the development will be Flats 1-5 Soothill Hall, The Barn, 110 Oaks Road.

There are properties to the south of the dwelling, however due to distance there will be no impact to these properties.

Impact on Flats 1-5 Soothill Hall

These dwellings form the building to the north-west of the site and consist of 5 individual dwellings. The new dwelling is set perpendicular to the building, the side elevation of which is ~8.90m away. There will be no direct views of the building from the property. Outdoor space to the front of the property is a common area. There will therefore be no impact to privacy.

Due to distance and positioning, there will be no loss of outlook or light to habitable rooms.

Impact on The Barn

The barn is situated to the west of the proposed dwelling, it has a separation distance of ~20.00m, between which is the new garage and an existing garage. There are two side windows on the proposed property that face towards The Barn. Landscaping between the properties will be retained. The screening will retain a sense of privacy for future and current inhabitants of the properties. The distance is also appropriate to ensure privacy.

Due to the distance between the properties, there will not be a loss of outlook or light.

Impact on 110 Oaks Road

110 Oaks Road is positioned to the north-west of the application dwelling. It is distanced ~27.00m away. Private outdoor amenity space of No. 110 is adjacent to the new dwelling. There are no side elevation windows that face towards the outdoor space. The property sits perpendicular to the boundary. Currently there is a thick shrub border that separates the plot although this could be trimmed back. Due to the window layout, the new dwelling would not have a direct view towards private amenity space. The relationship is acceptable. In order to protect the private outdoor garden space, it will be conditioned that new window and door openings would require written permission.

Windows will not be impacted by the development, in terms of a loss of light or outlook, due to the distance.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

A property of 3 bedrooms, with 2 floors should have an internal floorspace of 102m² which the plans accord to.

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

Private outdoor amenity space is situated to the rear of the site, it is ~15.00m x ~6.60m which is adequate for the number of bedrooms.

The proposed development is therefore considered acceptable in terms of residential amenity, and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable*

impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The property is a 3 bed dwelling. The Kirklees Highways Design Guide stipulates that a dwelling with 3 bedrooms should have 2 parking spaces. Three off-street parking spaces are shown to be provided, two within the garage and one to the frontage of the proposed dwelling on the private driveway.

Space is shown to be provided to allow internal vehicle turning

There is no objection in terms of highway safety from KC Highways.

Environmental Matters

Trees

There is significant non-native shrubs and trees on the site currently, some of which will be removed. The trees recommended for removal to facilitate the development are poorer category C specimens and there is no objection from KC Trees to their removal.

It will be conditioned that a detailed Arboricultural Method Statement and a Tree Protection Plan will be submitted and approved in writing to facilitate the protection of remaining trees.

Contaminated Land

This site is adjacent to land that has been identified on our mapping system as potentially contaminated due to its previous use as works (our reference: 37/6), it is also close to areas of historic landfill and a former quarry which may have been infilled (site refs: 461/6, 9/6, 5/6). The area generally has a coal mining legacy. Whilst we have no objections KC Environmental Health recommend conditions to protect future occupiers.

Electric Vehicle Charging

The implementation of EV chargers are covered by Building regulations. It is not considered necessary to supplement the installation of these with a planning condition.

Ecology

Given the land being developed is residential curtilage, there is the retention of shrubs and trees with the planting of new shrubs and trees the requirements of wildlife habitats have been met.

Principle 9 of the Housebuilders Design Guide requires a biodiversity net gain, therefore it will be conditioned that a bat and bird box are installed on the dwelling.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development

- Does the proposed “market 3 bedroomed property” fill the accommodation most need?

The proposal is for a single dwelling, there are no current housing need policies for single dwellings.

- The proposers have failed to refer to section 14.1 of the Conservation heritage asset.

The proposal will preserve the setting of the historic environment.

Visual Amenity

- There would be a loss of garden space for 9 dwellings.
- The gardens of Soothill Hall contributes to the setting of the Lower Soothill's rural aspect and the urban edge of Batley.

These comments are summarised in the visual amenity section of the report.

- It is unclear what materials will be used on the dwelling.

Material samples will be provided post-decision so they respect the historic environment.

Residential Amenity

- The proposed dwelling would intrude in terms of noise and light pollution and overlook many others privacy.
- A two-story home built on a topographical position at an elevation to Willow's Terrace and Close would be visually prominent.

- There is a high risk of blocking of sunlight, the overshadowing and the over- looking of existing properties/tenants.
- The dwelling will cause an overlooking impact to private outdoor amenity space.

These comments are summarised in the Residential Amenity & Environment Matters section of the report.

- The boundary treatments will result in the flats being closed off.

Boundary treatment plans will be submitted and discharged under a discharge of conditions application.

Highway Safety

- The proposal will cause more parking issues for the other residents of Oaks Road/lady Anne

There is sufficient parking within the immediate space of the dwelling. There has been a net-gain of three parking spaces.

Environmental Matters

- The proposed dwelling would intrude in terms of noise and light pollution and overlook many others privacy.
- The proposed dwelling would have a direct impact on the tranquillity of life on the existing residents and the surrounding community.
- The erection of a new dwelling would impact wildlife.
- The proposal will impact protected trees

These comments have been assessed within the Environmental Matters section of the report.

The following comments are not material considerations within the planning balance and have been granted minimal weight within the decision.

- A new building in the grounds could result in conflicts between the new occupiers and existing tenant's of the Hall and houses (100- 104)
- The landowner has failed to notify residents of the dwellings of the plans
- Consultation by the West Yorkshire Archaeology Advisory service would be required.

There has been no requirement to consult the WYAA for an application on this site.

- The proposer has previously failed to complete previous development and the council failed to check previous planning for completion of "The Barn".

In respect of the publicity, the application has been advertised by neighbour notification letters, a site notice and a press notice. Although the plans have changed minorly, by way of altering the position of the dwelling and forming a detached garage, this does not fall outside of the original description of the application.

The application is acceptable in terms of national and local policy which is explored within the assessment section of the report.

Conclusion

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

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/93087

Officer Recommendation: Approve

Conditions:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the east, side elevation of the dwelling at any time.

Reason: So as not to detract from the amenities of the adjacent property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees Housebuilders Design Guide SPD.

4. Prior to construction of the dwelling hereby approved above slab level, details of all the coursed stone of the external walls and stone roof tiles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of the historic environment and visual amenity and to comply with Policy LP24 & LP35 of the Kirklees Local Plan and Chapter 12 & 16 of the National Planning Policy Framework.

5. All new heads, sills, mullions, window and door surrounds shall be constructed of natural stone.

Reason: In the interests of protecting the historic environment and visual amenity of the area, in accordance with the requirements of Policy LP24 & LP35 of the Kirklees Local Plan, Chapters 12 & 16 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD.

6. Notwithstanding the hereby approved plan indicated on Drawing No. (PL) 003 A & (PL) 004 A, the roof lights shall be of a conservation style in accordance with details to be approved in writing by the Local Planning Authority before development commences.

Reasons: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

7. Notwithstanding the submitted plans and information, a boundary treatment plan, detailing the location, materials and heights, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to the occupation of each dwelling and thereafter retained.

Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity, biodiversity and the historic environment and to accord with the aims of Policy LP24 & LP35 of the Kirklees Local Planning and the aims of the National Planning Policy Framework.

8. One bird box and one bat box shall be incorporated into the dwelling during the construction phase; the bird box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. They shall be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

9. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. PL-001-A are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order)

these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

10. The approved landscaping scheme in Drawing PL-001-A shall be implemented by the end of the first planting season following the occupation of the first unit on site. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The approved boundary treatment shall be installed prior to the occupation of each dwelling and thereafter retained.

Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity and biodiversity and to accord with the aims of Policy LP24 & LP30 of the Kirklees Local Plan.

11. Prior to commencement of works, a detailed Arboricultural Method Statement and a Tree Protection Plan shall be hereby approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details and retained as such.

Reason: This is a pre-commencement condition to ensure that adequate measures are put in place an appropriate time in order to prevent harm and damage to the nearby trees, with the requirements of Policy LP 33.

12. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

13. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (12) groundworks (other than those required for a site investigation report) shall not commence until a

Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (13) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (14). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

16. 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 (that part of) 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

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) regarding 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: 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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to

be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(00) 000	-	17 November 2023
Existing block plans	(00) 001	-	17 November 2023
Proposed block plans	(PL) 001 A	A	23 April 2024
Proposed floor plans	(PL) 002 A	A	22 June 2024
Proposed elevations	(PL) 003 A	A	22 June 2024
Proposed elevations	(PL) 004 A	A	22 June 2024
Tree survey & Impact Assessment	AIA-1874-1		13 June 2024
Tree Constraints Plan	TCC-1874-1		25 April 2024
Topographical Survey	2786/001		25 April 2024
Heritage Statement	2317		20 November 2023

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

