

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:	2024/62/90914/E
Site Address:	Dale Bank, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR
Description:	Demolition of existing dwelling and erection of detached dwelling with associated works
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.

Emma Thompson

AUTHORISED OFFICER

Date: 15-October-24

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Officer Report

2024/90914 - Dale Bank, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR

Site Description

Dale Bank is a derelict building set on a hilltop area of Kirkburton. The building a large, two-storey dwelling which is accessed from Storthes Hall Lane. The existing building is angled away from Storthes Hall Lane. It has rendered exterior walls. Original features includes a two large chimney breasts and a portico. It is relatively isolated due to its position, being ~136.00m from the nearest occupied dwelling, that being the grade II listed Storthes Hall Mansion.

The site is situated within the Green Belt.

Application Proposal

The applicant is seeking permission for the demolition of the existing dwelling and erection of a detached dwelling with hard and soft landscaping.

The proposed building is to be two-storey in height with a hipped roof. The architectural design of the building draw upon an 'arts and crafts' style which includes gable-ends and a tent roof, amongst other features. It sits facing out towards Storthes Hall Lane which is respective of the existing dwelling. The building is ~15.60m(w) x ~8.70m(d) with an eaves height of ~5.10m and ridgeline height of ~9.10m.

Materials specified within the Design and Access statement:

- Natural stone to coursework and chimneys.
- Render finish to main facades.
- Small plain rooftiles.
- Timber detailing and finish to central tower.
- Natural stone features and cills.
- Black fascias and soffits.
- Oak coloured window frames.

The site will also include the extension of a hardstanding driveway and three parking spaces.

The proposed dwelling will be positioned between two listed buildings, to the west site The Lodge (grade II listed) and to the east is the Storthes Hall Mansion (grade II listed).

The Lodge was erected circa 1903, it is positioned along an access road leading to the wider Storthes Hall site. It sits within a densely wooded area, separated from Storthes Hall Lane by a stone wall, columns and iron gates. The Lodge is not visible from the development site due to the density of trees, it is ~89.00m to the west of the proposed dwelling. Dale Bank is not read in context with The Lodge.

Storthes Hall Mansion sits ~130.00m to the east of the application dwelling. It was built in the late 18th century. The mansion sits in a south facing position with an frontal aspect towards a steep valley. A site visit was conducted in mid-spring. A section of the eastern wing of Storthes Hall Mansion was visible from the site. The coverage from trees and shrubs was sufficient in obscuring the visibility by which Dale Bank would be read in context with the rear and side elevation of the listed building. There is a sufficient distance and shrub coverage to maintain a sense of separation from the grade II listed building. Although due to the context of the area, the design of Dale Bank should be respectful to its greater surroundings.

Relevant Planning History

None relevant.

History of Negotiations

Amended plans were requested to reduce the volume of the proposed dwelling and reduce the amount of hardstanding.

Within the submitted information was a *Permitted Development Review* which illustrated the potential for residential extensions to the existing building, and could be assumed within the volume calculations for the proposed dwelling. There are currently no approved lawful development certificates for extensions on the site, therefore it is not considered the extensions are implementable as there is no current legal fallback position. Plans were therefore amended to accord with the volume of the existing building.

A new redline boundary was requested as the eastern boundary fall over a pathway which is not part of the land of Dale Bank. Subsequently the proposal was readvertised.

Consultation Responses

KC Trees – No objection, subject to conditions.

KC Environmental Health – No objection, subject to conditions.

KC Conservation & Design – No objection, subject to conditions relating to material samples.

Public Representations

The application was advertised by a site notice and neighbourhood notification letters, which expired on the 09 August 2024. One representation was received. The application was readvertised as the redline boundary was adjusted, which expired on the 14 October 2024. An additional representation was received as a result of the re-consultation.

- The Eastern Borders do not concur with my title deeds WYK693898, or other supporting documents from Lithos Consulting (Ordinance Survey Plan), Western Boundaries also differ significantly.
- The replacement should be considered within the historic environment as it nestles between both Storthes Hall (The Mansion), and the historic Lodge House and gate piers/gates (and further historic buildings within Storthes Hall Digs campus) to the northwest.
- The Hip Roof design in Terracotta, rendered walls and large windows are not within keeping of the surrounding historic buildings, only to the current derelict 1950's Dale Bank to be demolished.
- The applicants' "Built Heritage Statement" notes in 2.07 that Historic England advocates a staged approach to decision-taking in applications affecting heritage assets, if the assertion that Dale Bank replacement is irrelevant within the historic environment is NOT upheld, then the mitigations, avoidance etc of negative impacts must be addressed.
- Several references in the application to a Self-Build status – is this an outline plan open for a self-builder to modify/apply for variation? Or a firm plan with removal of variation rights?
- Given point 2 and point 5, extreme care should be given to prevent scope creep. There is an object to an outline or vague approval.

- At the centre and heart of the development area there is a mature Tree Preservation Order section (shown as 'Mature Trees in mixed scrubland' in the habitation classification map). The environmental report notifies this as a 'Notable Green Infrastructure and Wildlife Corridor' – the application only refers to this by reference of the Construction Phase to 'implement measures to protect' but does not specify what these are or their effectiveness. The current application does not adequately protect the existing valuable mature Green Infrastructure and corridors.
- The application recognises that it conflicts with Kirklees Local Plan LP57 being materially larger than the current dwelling. i.e. current size is 1085.3m of built development that will increase to at least 1,697.2m for the proposal and allowing 2,147.6m of built development after existing permitted development rights have been considered – i.e. up to 97.9% larger build than current dwelling. I object to the extensive change in scale from the current dwelling.
- In combination of point 4 and 5, the proposal is to demolish the existing dwelling and replace it with a much larger dwelling much closer to the TPO greenspace and root infrastructure. Larger runoff and foundations threaten the TPO greenspace, and I object to the threat of these assets.
- The Environmental assessment was conducted in February. Bats are known (and referenced) in the area but surveys are to be undertaken between May and September – so have not been done. Access to the existing building was also not provided for a physical inspection of the open roof spaces/walls etc. The environmental impact is therefore more a 'desktop opinion' and cannot be relied upon
- The supplied Preliminary Ecological Appraisal identifies its own major limitations of the 'Survey' – Time of year (February), No Access to Dale Bank Dwelling, No Information from Natural England on Ancient Woodland, Priority species not included unless identified from desk study, only incidental observations of notable plant species or habitat characteristics were recorded, No information on Veteran Trees etc – all make the appraisal a 'description of site characteristics' rather than a true survey. I do have evidence of within the adjacent Storthes Hall land include, Newts, Deer, Badgers, Foxes, Buzzards & Owls to name some of the photographed main Fauna I have taken in the near vicinity in the past weeks. As the Green Infrastructure at the centre and edges of the development provide 'notable connectivity and wildlife corridors

across the landscape' a proper ecological impact survey/study should be conducted to ascertain the extent of the threat this development imposes, and the proper assessment of the existence/roosting/nesting sites of further species of flora and fauna including bats etc. The report concludes that further survey is required to inform the overall assessment and to confirm the mitigation necessary for bats – yet also concludes that 'mitigation measures' will result in 'no net loss in biodiversity' and 'no significant residual impact' is to be expected. I object to the reports 'flippant' conclusion.

- It has been advised that Dale Bank building and grounds (and that of Storthes Hall Student Campus) have a covenant upon them at sale that they must be for Educational use. This must be expired or varied prior to application approval.

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

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 located within the designated Green Belt 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 32** - Landscaping

- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 59** – Brownfield Sites in the Green Belt

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. 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 13** - Protecting Green Belt Land
- **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
- Government Biodiversity Net Gain Technical Advice Note
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

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 within the Green Belt 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...”

Housing Land Supply

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 dwelling is proposed in this instance which will replace an existing building. Considering the purposes of the Green Belt and the exceptions of development, the number of dwellings is appropriate.

Green Belt Land

The proposal seeks to demolish an existing building and erect a dwelling shifting its footprint slightly easterly from its previous built form. A narrow section of patio will be installed to the front and rear of the property. The proposed dwelling would be linked to Storthes Hall Lane by an existing access track. A driveway will lead off the track with parking to the side of the dwelling which will be surfaced in a hard permeable material. Plans indicate a native shrub hedgerow will be planted to the south of the dwelling.

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan (KLP) are relevant.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. These are set out within Paragraphs 154 and 155 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. However, within Paragraph 154, one of the exceptions to this is (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Following on from this, an assessment is therefore required as to whether the proposal would preserve the openness of the Green Belt. LP59 of the Kirklees Local Plan provides some parameters for the redevelopment of Brownfield Land and states that it will normally be acceptable providing that in the case of complete redevelopment, the footprint does not exceed that of the previous development and that the proposal would not result in the loss of high value land.

The proposal would include the demolition of an existing building on the site and its replacement with a two-storey dwelling which will continue to be accessed from Storthes Hall Lane.

The existing building measures approximately, ~14.85m(w) x ~9.20m(d), with an overall height of ~10.00m. The submitted plans demonstrate that the proposed dwelling would measure approx. is ~15.60m(w) x ~8.70m(d), ~9.15m(h). The agent has provided volume calculations of the proposed dwelling being 98% of the original building, which the officer does not dispute. The building is not known to have any recorded use; however, the architectural design and features of the existing building resembles a residential home. The access road is not indicative of a commercial use. It is considered that the building was used as a residential dwelling. Aerial imagery demonstrates the site fell into disrepair between 2003-2009. There is no indication that the land has been has fallen into an alternative use since this period.

Given the scale of the building and the exceptions of development outlined within Chapter 13 of the NPPF, there is the potential that further development may lead to a harm to the 5 purposes of the Green Belt, therefore permitted development rights will be removed for the building of extensions and outbuildings.

The building is located largely in the same position as the existing building as such it would not increase the site's prominence within the Green Belt. Therefore, given the extent of the built form which would be proposed (compared to that which exists already) it is considered that the structure would not have a greater impact on openness of the Green Belt than the existing development, and would satisfy the exception.

The application also relates to the formation of a driveway, patio and the creation of a shrub border. An urban element to the greenbelt would be introduced by way of the driveway. There is existing hardstanding material to the front of the property which would be removed by way of soft landscaping, which in this case mitigates any further intrusion to the Green Belt. The pathway provides access to the dwellinghouse and is not excessive.

On the basis, the proposal is considered to fall under the exemptions listed within the NPPF and KLP Belt and would not have a greater impact on openness of the Green Belt than the existing development. It is considered that the proposal would constitute appropriate development in the Green Belt with respect to Chapter 13 of the NPPF.

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.”*

The dwelling sits in a relatively isolated hilltop position which, whilst it is shielded by a treeline that borders Storthes Hall Lane, the building will be visible in the winter months when the trees shed and from points within the surrounding valley. In addition, the building should represent high quality design that is suitable for its Green Belt setting. Although there is no natural building group, a dwelling should not appear discordant amongst the natural landscape and Storthes Hall Mansion.

The appearance of the dwelling is respective of a high-quality design which introduces traditional features found within the ‘arts and crafts’ movement, whilst retaining a traditional appearance. Architectural features such as the tent roof and timber detailing sit comfortably within the front elevation of the building.

In terms of the positioning and orientation, there is no building line or streetscape to which the building would contest with, however it will form a more central position than the existing building.

The height of the dwelling is lower than the ridgeline of the existing dwelling. Considering volume, the dwelling is similar in scale to the existing building, which is consistent with its Green Belt location.

Outdoor space is formed within the preformed curtilage of the residential building, which is considerable, the impact of the dwelling in terms of the visual appearance of the site is negligible.

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 property will be finished with rendered exterior walls, terracotta roof tiles, timber windows and natural stone details. As indicated in the Design & Access statement, there are a number of rendered and 'Arts and Crafts' buildings within the wider area. Whilst the plans indicate an appropriate use of materials, there has not been the submission of building material samples, therefore it will be conditioned that samples are approved in writing before the commencement of the superstructure. It will also be conditioned that natural stone materials and terracotta roof tiles are approved in writing.

Due to the Green Belt location, the render should be an off-white, textured or similar colour in order to mitigate from the dwelling becoming prominent within the landscape. A bright-white colour would not be acceptable.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Although there is no natural building group or a street frontage which the fenestration should relate to, window openings should appear modest and relatable to the host dwelling. In this case, the fenestration and window sizes are considered to be moderate, well-placed openings.

Parking is to the side of the property, situated away from its frontage which is a suitable location so not to disrupt the landscaping to the front of the property or create a clustered aesthetic.

The erection of the dwelling and other alterations therefore accord with the guidance set out within the House Builders SPD and the Kirklees Local Plan.

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.

Due to the location of the property and the distance to other dwellings, there will be no impact to the privacy of neighbouring occupants.

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.”*

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.”*

The proposed dwelling exceeds the minimum recommendations as set out within the Kirklees Housebuilders Design Guide SPD & *Nationally Described Space Standards* for such a dwelling, and the proposed gardens are considered to be a generous size for a dwelling of this scale.

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

The Kirklees Highways Design Guide SPD stipulates that a dwelling with 5 bedrooms should have 3 off-street parking spaces which the plans accord with.

The existing access will be, part of the boundary treatment is formed by a stone wall, it is ~8.70m in width. Although there will be a reuse of the site, it is not considered there will be a further intensification than when the existing residential building was occupied.

The plans therefore accord with Policy LP21 & LP22 of the Kirklees Local plan and the guidance set out within the Kirklees Design Guide SPD.

Environmental Matters

Landscaping

A section of soft landscaping will be introduced at the front of the property to replace existing hardstanding material. The plans indicate that the existing self-seeded shrubs and trees will remain on site with the addition of a hedgerow planted on the rear boundary.

Trees

There are several protected trees present on site, whilst protected trees border the parts of the site. In order to protect the protect trees on site during the construction phase of the development, it will be conditioned that an arboricultural method statement is submitted in writing to the planning authority.

Due to the submission of amended plans, a final arboricultural method statement and a tree protection plan should be submitted in writing and approved before works commence.

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent.

The applicant has a duty of care to the adjacent trees and hedges, if damages or death occurs because of the construction of the dwelling or driveway, they may be liable to damages.

The duty is to take 'reasonable care' whilst undertaking the works, and they may be liable if they damage their neighbour's tree/s or cause them to become unstable. It is therefore unwise to undertake works without first consulting an arboriculturist. The parts cut off from the tree remain the property of the tree owner, so they should be offered back.

Water Supply

KC Environmental Health requested further information in relation to the supply of clean drinking water for the property. The applicant submitted a pre-planning enquiry from Yorkshire Water which detailed the connection of a mains water supply which was satisfactory in overcoming the concerns.

Ecology

A Preliminary Ecological Appraisal (PEA) was submitted. The mapping systems held by the council note the site contains habitats and records of protected and notable species. Within the PEA, it was identified that there may be roosting bats present on site and that further surveys were required including nocturnal surveys.

Following this, additional surveys were conducted, and the reports submitted. It was indicated that there were no presence of roosting bats or other signs of protected and notable species.

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.

BNG came into effect for minor set on 02 April 2024. The application was submitted prior to this date.

Drainage

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction.

The submitted documents indicate infiltration into the ground will be sought, given the data within the documents, the method for surface water dispersal is appropriate.

Contaminated Land

A Phase I report has been provided which assesses the potential source pollutant linkages. The site's environmental setting is considered to be of low to moderate sensitivity and the proposals are for a sensitive end-use. The report acknowledges that a ground investigation may be required.

KC Environmental Health have assessed the report in support of the application and visited the site. They observed areas of burning on site. Taking this into account and the report contents, they recommend a site investigation and recommend the conditions to secure a Phase 2 investigation and where necessary a remediation strategy and verification report.

EV Charging Points

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

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

- The Eastern Borders do not concur with my title deeds WYK693898, or other supporting documents from Lithos Consulting (Ordinance Survey Plan), Western Boundaries also differ significantly.

Planning permission does not override the rights of ownership however the initial redline boundary did not accord with the records held by the Land Registry. A new redline boundary has been submitted to amend the eastern boundary line. In terms of the boundary to the west, the redline boundary falls wholly within the wider site. Officers have checked the details submitted which corresponds with details held.

- The replacement should be considered within the historic environment as it nestles between both Storthes Hall (The Mansion), and the historic Lodge House and gate piers/gates (and further historic buildings within Storthes Hall Digs campus) to the northwest.

It is not considered Dale Bank is read in context with the listed buildings where their significance or setting will be impacted.

- Several references in the application to a Self-Build status – is this an outline plan open for a self-builder to modify/apply for variation? Or a firm plan with removal of variation rights?

The application is for full planning permission, the building must be constructed in accordance to the plans. Any extensions or amendments would be submitted under a new application.

- Given point 2 and point 5, extreme care should be given to prevent scope creep. There is an object to an outline or vague approval.

Permitted Development Rights have been removed from the site to prevent the spread of built form on the site.

- The application recognises that it conflicts with Kirklees Local Plan LP57 being materially larger than the current dwelling. i.e. current size is 1085.3m of built development that will increase to at least 1,697.2m for the proposal and allowing 2,147.6m of built development after existing permitted development rights have been considered – i.e. up to 97.9% larger build than current dwelling. I object to the extensive change in scale from the current dwelling

Amended plans have been submitted which are in line with national and local planning policy in relation to development with the Green Belt.

Visual Amenity

- The Hip Roof design in Terracotta, rendered walls and large windows are not within keeping of the surrounding historic buildings, only to the current derelict 1950's Dale Bank to be demolished.
- The applicants' "Built Heritage Statement" notes in 2.07 that Historic England advocates a staged approach to decision-taking in applications affecting heritage assets, if the assertion that Dale Bank replacement is irrelevant within the historic environment is NOT upheld,

then the mitigations, avoidance etc of negative impacts must be addressed.

References to design are addressed within the visual amenity section of the report.

Environmental Matters

- At the centre and heart of the development area there is a mature Tree Preservation Order section (shown as 'Mature Trees in mixed scrubland' in the habitation classification map). The environmental report notifies this as a 'Notable Green Infrastructure and Wildlife Corridor' – the application only refers to this by reference of the Construction Phase to 'implement measures to protect' but does not specify what these are or their effectiveness. The current application does not adequately protect the existing valuable mature Green Infrastructure and corridors.
- In combination of point 4 and 5, the proposal is to demolish the existing dwelling and replace it with a much larger dwelling much closer to the TPO greenspace and root infrastructure. Larger runoff and foundations threaten the TPO greenspace, and I object to the threat of these assets.

It has been conditioned that a final arboricultural method statement and a tree protection plan is submitted in writing to the planning authority.

- The Environmental assessment was conducted in February. Bats are known (and referenced) in the area but surveys are to be undertaken between May and September – so have not been done. Access to the existing building was also not provided for a physical inspection of the open roof spaces/walls etc. The environmental impact is therefore more a 'desktop opinion' and cannot be relied upon

Additional bat surveys have been submitted and are acceptable.

- The supplied Preliminary Ecological Appraisal identifies its own major limitations of the 'Survey' – Time of year (February), No Access to Dale Bank Dwelling, No Information from Natural England on Ancient Woodland, Priority species not included unless identified from desk study, only incidental observations of notable plant species or habitat characteristics were recorded, No information on Veteran Trees etc – all make the appraisal a 'description of site characteristics' rather than

a true survey. I do have evidence of within the adjacent Storthes Hall land include, Newts, Deer, Badgers, Foxes, Buzzards & Owls to name some of the photographed main Fauna I have taken in the near vicinity in the past weeks. As the Green Infrastructure at the centre and edges of the development provide 'notable connectivity and wildlife corridors across the landscape' a proper ecological impact survey/study should be conducted to ascertain the extent of the threat this development imposes, and the proper assessment of the existence/roosting/nesting sites of further species of flora and fauna including bats etc. The report concludes that further survey is required to inform the overall assessment and to confirm the mitigation necessary for bats – yet also concludes that 'mitigation measures' will result in 'no net loss in biodiversity' and 'no significant residual impact' is to be expected. I object to the reports 'flippant' conclusion.

It is considered that the information that has been submitted is acceptable in terms of their assessments. It has not been necessary to consult Natural England in this case.

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

- I am advised that Dale Bank building and grounds (and that of Storthes Hall Student Campus) have a covenant upon them at sale that they must be for Educational use. This must be expired or varied prior to application approval.

Covenants are legal documents and cannot be considered within the planning balance.

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: 2024/90914

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 extensions or outbuildings other than those expressly authorised by this permission shall be constructed on the site.

Reason: In order to prevent overdevelopment of the site and protect the 5 purposes of the Green Belt and to accord with Chapter 13 of the NPPF.

4. Prior to the construction of the superstructure hereby approved above slab level, sample details of render of the external walls 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 visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 & 13 of the National Planning Policy Framework.

5. Prior to construction of dwellings hereby approved above slab level, details of all the render material of the external walls, natural stone details and terracotta 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 visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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

Reason: In the interests of protecting the visual amenity of the area, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 13 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD.

7. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 2303-SI-03A 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.

8. The approved landscaping scheme in Drawing No. 2303-SI-03A 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 the 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 of the Kirklees Local Plan.

9. A bird box shall be incorporated into both dwellings during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and 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.

10. 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: To prevent harm and damage to the nearby tree, with the requirements of LP 33.

11. 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. 189 and 190 of the National Planning Policy Framework

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (11) 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. 189 and 190 of the National Planning Policy Framework

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (12). 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. 189 and 190 of the National Planning Policy Framework.

14. 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.

Reason: 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

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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:

- 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.

- 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.

- To futureproof the development, we would encourage the applicant to provide these in

accordance with the current *Air Quality & Emissions Technical Planning Guidance* from

the West Yorkshire Low Emissions Strategy (WYLES) Group

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	2303-SI-01a	RevA	01 October 2024
Existing site / block layout	2303-SI-02a	RevA	01 October 2024
Existing site layout	2303-SI-03b	RevB	01 October 2024
Block plan layout comparison	2303-SI-04b	RevB	01 October 2024
Existing Dale Bank block plan	2303-SI-04A	RevA	01 October 2024
Existing elevations	EX-01	-	28 March 2024
Proposed floor plans	2303-HT-P1A	RevA	08 August 2024
Proposed elevations	2303-HT-P2A	RevA	08 August 2024
Ecology PEA	SHF.1337.004.EC.R.001	-	28 March 2024
Ecological Impact Assessment	SHF.1337.004.EC.R.002	-	31 July 2024
Conservation/Heritage Statement	CHS	-	28 March 2024
Gen 01 – Drainage strategy	24070-DR-C-0100 P4	P4	28 March 2024
Gen 02 – Drainage flow	24070	-	28 March 2024
Gen 03 - Drainage - Maintenance Schedule	24070	-	28 March 2024
Gen 04 – Percolation	24070-PR-001	-	28 March 2024

Plan Type	Reference	Version	Date Received
Report			
Gen 05 – Permitted development review	-	-	28 March 2024
Gen 06 – Planning case report	-	-	28 March 2024
Gen 07 - Arboricultural method statement	-	-	28 March 2024
Gen 08 – Contaminated land	4977-1A	-	28 March 2024
Design and access statement	2303-RE-01	-	28 March 2024

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 has, 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.

Amended plans were requested to reduce the volume of the proposed dwelling and reduce the amount of hardstanding.

Within the submitted information was a *Permitted Development Review* which illustrated the potential for residential extensions to the existing building, and could be assumed within the volume calculations for the proposed dwelling. There are currently no approved lawful development certificates for extensions on the site, therefore it is not considered the extensions are implementable as there is no current legal fallback position. Plans were therefore amended to accord with the volume of the existing building.

The redline boundary was amended to accord with records held by the Land Registry.

