

**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:	2024/62/91985/E
Site Address:	Land adj, 9, Westfield Court, Mirfield, WF14 9PT
Description:	Erection of detached dwelling with detached garage
Recommending Officer:	Elenya Jackson

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 23 October 2024

Officer Report

Site Description

The application site is situated towards the end of Westfield Court prior to the street becoming a cul de sac with a turning circle.

The host dwelling that currently occupies the site is no.9, which has a vacant piece of land to its northern border. The site is not enclosed by any boundary treatments which is characteristic of the area.

Properties within the street scene comprise several house types, however they all benefit from a reasonable amount of amenity space and are set back from the road. The location of the dwellings when coupled with the mature trees (several of which feature a Tree Preservation Order) contributes to the street scene having an open and spacious character.

The site is located within a high risk coal area and is bordered by TPO 23/92/a3.

Description of Proposal

This application has been received for the erection of a detached dwelling. The proposal was initially included a detached garage; however, this was removed following concerns raised by KC Highways.

The dwelling would have a width of 10.8m and a depth of 7.7m.

The proposal would feature a pitched roof with gable ends on its eastern and western elevation. The dwelling would have a maximum height of 7.4m and an eaves height 6.1m.

Due to a change in ground level between the existing no.9 and the proposal, the proposed dwelling would be 70cm higher in the street scene than the immediately adjoining neighbour.

History of negotiations/amendments received

Officers requested that the proposal was reduced in width, depth, the garage removed, and parking spaces amended.

Further consultation was not undertaken as the amendments did not alter the principle of the proposal.

Relevant Planning History

No Relevant History related to the application site

9 Westfield Court:

2017/91186: Erection of extensions and replacement of flat roof with pitched

Representations

The application was advertised by neighbour letters, which expired on 1/12/2023

Three objections were received which raised the following concerns:

- Size of parking spaces
- Size of garage
- Location of garage impacting TPOS
- Impact on TPOS
- Location from rear boundary
- Impact on character of area
- Outlook
- Proximity to highway

Consultation Responses

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

KC Highways DM: Following alterations to the parking layout on site, no further comments

The Coal Authority: Requested condition relating to potential coal mining legacy on site

KC Trees: Concerns regarding the location of the proposal and development resulting in future pressure for works to TPO's

KC Environmental Health: No objections subject to conditions

Policy

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

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- 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 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 33 - Trees
- LP 43 – Waste Management Hierarchy
- 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 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 Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy

Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

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

Assessment

Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

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

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 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.

Having visited the site, officers are of the opinion that the site is within a residential strip of development in a sustainable location. The location of the dwelling has limited amenity or environmental value (which shall be assessed further below) and as such, the principle of erecting a new dwelling in this location may be acceptable, meeting the requirements of Policies LP1 of the Local Plan and Chapters 2, 5 and 9 of the NPPF in this regard.

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 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...”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines 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.

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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context. Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

As previously highlighted, the site is currently undeveloped and is adjacent to an existing dwelling. Due to the layout of the street scene, the development would be located by a bend in the road.

There is an established building line within the street scene which is from Westfields Road. The proposal would not be situated forward of no.9 Westfield Court and would therefore be consistent with the building line. However, officers acknowledge that the proposal would appear further forwards in the street scene due to the shape of the street; however, it is considered that this would be from limited vantage points and in close proximity to the site. Therefore, the proposal would not impact the openness of the entire street scene.

Samples of the materials or specific details have not been provided to support the application; however, the application form states that the intention is for the proposal to be brick. As the area is predominantly red brick this is considered acceptable. However, a condition will be added should the application receive permission to ensure the proposed materials integrated with the context of the site.

It is considered that due to the spacing in the site, it is considered necessary to remove permitted development rights for extensions and outbuildings to the building so as to prevent unsympathetic alterations and to preserve the open character of the locality.

The design of the proposal draws similarities from the dwellings along the southern side of the street scene. It does not feature a gable end which faces the street scene which is characteristic of the dwellings on the northern side of the properties and the window spacing is sympathetic to neighbouring dwellings.

Many of the properties within the street scene feature a garage; however, this was required to be removed from the proposal due to concerns regarding parking layout on site.

Given the above, the proposal is considered to be in accordance with Policies LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, 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.”

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment

Impact on 9 Westfield Court: adjoins the application site to the east.

Overlooking: The proposal would not feature any side facing windows and as such would not result in a loss of privacy to No.9.

Overshadowing/loss of light/overbearing: The proposal would be set 3.4m away from the side elevation of no.9, and not extend to the front or rear of the dwelling. Therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.

Impact on No.10 & 12 Westfield Court: located across the road from the proposed dwelling.

It is considered that there would be a separation distance of approximately 21m between the principal elevation of the dwelling and the aforementioned properties. It is considered that properties fronting each other is a usual relationship in the street scene and the separation distance would be sufficient to not raise any concerns regarding overshadowing/loss of light or overbearing.

Impact on 12 Knowl Park Gardens: The side elevation and private amenity space of no.12 adjoins the application site to the south-west. There is currently a timber fence between the two properties.

Overlooking: No.12 features two side facing windows. It is considered that there would be 23m from the rear elevation of the proposal and the side elevation of no.12 and therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would be set 10.1m away from the shared boundary between the buildings and 23m away from the dwelling. It is considered this is sufficient to not raise any significant concerns regarding overshadowing/loss of light/overbearing.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process (an objection to the development has been received on these grounds). To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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." Further to this, 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."

Notwithstanding the above, National space standards require the following gross internal floor area for a two bed one storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storey's- 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storey's- 93 square metres
- 3 Bedroom, 4-person dwelling set over 2 storey's- 102 square metres

The proposed floor plans show the proposal would have three bed spaces and therefore is required to have an internal floor space of a minimum of 84m²

, which the development would comfortably exceed due to having an internal floor space of 110m²

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

Impact on Highway Safety:

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

KC Highways DM have been informally consulted as part of this application as the proposal would intensify the domestic use at the site.

Concerns were raised regarding the size of the parking spaces and that the garage was not large enough to be considered a parking space. As a result, the garage has been removed from the proposal and two parking spaces of adequate dimensions provided.

A dropped kerb will be required to facilitate the development. A note will be added to the decision notice to this effect.

A condition is also required to be attached to the decision to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

In addition, details of bin storage and collection of bins on site as this has not been presented on the plans and a condition is required for the details of this to be agreed.

KC Highways DM consider the off street parking to be acceptable and therefore the application can be supported subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

In view of the above it is considered that, the proposal would be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

Other matters:

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

The proposal is for the erection of a single detached dwelling. The details provided in the climate change statement are considered sufficient. This would comply with the aims of policy LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Bats/ Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site is not within a bat alert layer and therefore a bat box and/or further surveys are not required.

Officers note an element of site clearance has taken place prior to officers visiting the site. It is considered appropriate to attach a condition requiring the provision of a bird box on site, this is to provide biodiversity enhancement on site as part of the planning process in line with Policy LP30 of the Kirklees Local Plan.

Following the updates to [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#), biodiversity net gain is a

statutory requirement and developments must provide a 10% uplift on site unless exceptions otherwise apply.

The application form states that the development, by being a self-build/custom build, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Trees

It is noted from the plans provided that the site is in close proximity to several trees which have a TPO. Supporting information has been provided which outlines the location of the canopy of the TPO's and their root protection zones. During the course of the application, KC's Arboricultural officer was consulted on the application and raised concerns regarding the proximity of the dwelling leading to increased pressure for works to be carried out on the trees. Officers noted this concern and requested that the footprint of the dwelling was reduced in depth to be in-line with neighbouring properties. As a result, the proposal would have the same relationship to the TPO's as the neighbouring dwellings in the street scene. Works to a TPO require separate consent and the TPO's are not within the red line boundary of this site. Therefore, it is considered that there would be an acceptable distance between the TPO's and the proposed dwelling to not raise any significant concerns to the TPO.

Details of boundary treatment around the site has not been provided and it is considered necessary for these details to be provided to ensure that there would be no additional impact on the trees.

Therefore, it is considered the proposal would be in accordance with Policies LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

Contaminated land/Coal Mining Legacy:

The site is located in an area that may be subject to high levels of radon, but is not in close proximity to a landfill site. However, the site is within a high risk coal area.

To cover this the Councils' Environmental Health Service have recommended that a condition is imposed on any approval requiring the developer to submit details relating to contaminated land relating to gas and combustible materials. A condition to this end is therefore recommended.

In relation to coal mining legacy, a Coal Mining Risk Assessment has been submitted with the application and the Coal Authority have confirmed that they have no objections to the proposals subject to the imposition of relevant conditions ensuring that the impact of coal mining legacy is adequately investigated and mitigated.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Drainage:

The application form and proposed states that the proposed foul sewerage connection for the new property is to be tracked back to the existing main and surface. As the proposal is for one dwelling, this been considered satisfactory and therefore the proposal is considered to comply with the aims of LP 28 of the Kirklees Local Plan.

Representations:

The representations have been received which raise the following concerns:

- Size of parking spaces

Officer response: Revisions have been made to the proposal since submission and the parking spaces increased in size and set back from the highway. KC Highways have no further objections.

- Size of garage

Officer response: Revisions have been made to the proposal since submission and the garage has been removed from the application. KC Highways have no further objections.

- Location of garage impacting TPOS

Officer response: Revisions have been made to the application and the depth of the proposal has been reduced. The proposal would not extend closer to the TPO's than the neighbouring dwelling and would not intercept the crown spread of the trees.

- Impact on TPOS

Officer response: Revisions have been made to the application and the depth of the proposal has been reduced. The proposal would not

extend closer to the TPO's than the neighbouring dwelling and would not intercept the crown spread of the trees.

- Location from boundary

Officer response: The proposed dwelling would be over 20m away from properties to the north and south and over 3m away from the existing dwelling, this is considered sufficient in this instance.

- Impact on character of area

Officer response: The proposal has been reduced in scale since submission to reduce its prominence in the street scene, draws its design from properties in the street scene in relation to materials and detailing and would have limited vantage points from the public realm. It is considered that the proposal would have an acceptable impact on the character of the area.

- Outlook

Officer response: Outlook is not a material planning consideration and therefore these comments afford limited weight in the decision-making process. However, the proposal would be set a sufficient distance from neighbouring properties to not raise any significant concerns regarding overbearing and would be located within a usual street scene layout.

- Proximity to highway

Officer response: KC Highways have been consulted on the application and have not raised any highway safety concerns. The proposal would also accord with the existing building line in the street scene.

Conclusion:

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

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024//91985

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. No above ground development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. **Reason:** This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment at the appropriate time and in accordance with Policy LP53 of the Kirklees Local plan and paragraph 189 and 190 of the NPPF.

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

4. Prior to development commencing on the superstructure of the development hereby approved, protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site.

Reason: In order to protect visual amenity and the long-term viability of the trees and to accord with Policy LP33 of the Kirklees Local Plan.

5. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Assessment reference (BG24.183). These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan.

6. Development 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) has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition required in order to identify and remove unacceptable risks to human health and the environment at the appropriate time, in accordance with Policy LP53 of the Kirklees Local plan and paragraph 189 and 190 of the National Planning Policy Framework.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition required in order to identify and remove unacceptable risks to human health and the environment at the appropriate time, in accordance with Policy LP53 of the Kirklees Local plan and paragraph 189 and 190 of the National Planning Policy Framework.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: : This is a pre-commencement condition required in order to identify and remove unacceptable risks to human health and the environment at the appropriate time, in accordance with Policy LP53 of the

Kirklees Local plan and paragraph 189 and 190 of the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

12. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with policy LP22 of the Kirklees Local Plan.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.
Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan. and the provisions of the Housebuilders Design Guide SPD (2021).
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A – G of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.
Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD.
15. A sparrow terrace nest box shall be installed integral to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained. **Reason:** In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.
16. Notwithstanding the submitted plans and information, details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.
Reason: In the interest of visual amenity, in accordance with Policies LP24 and LP33 of the Local Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

17. Prior to development commencing on the superstructure of the dwelling hereby approved, details of suitable storage, bin presentation points and access for collection of wastes from the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of visual amenity and highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

18. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: To ensure the provision of an adequate drainage system in the interests of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

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

NOTE: 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	175001 PL A		19/08/2024
Proposed site and block plan	PL01 Rev F		26/09/2024
Proposed Elevations	175001_PL-04 E		26/09/2024
Proposed Elevations	175001_PL-03 F		26/09/2024
Proposed Floor Plans	175001_PL-02 G		26.09.2024
Coal mining risk assessment			19/08/2024
Climate change statement			19/08/2024
Arboriculture Assessment	BG24.183		19/08/2024

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 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. Officers requested alterations during the course of the application to the scale and design of the proposal, the removal of the garage, the alteration of the parking spaces and the reduction in depth of proposal from TPO's.

Report Dated:

15/10/2024