

**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:	2024/60/92066/E
Site Address:	Land Adj, 264, Barnsley Road, Flockton, Wakefield, WF4 4AJ
Description:	Outline application for erection of dwelling
Recommending Officer:	Edward Cheseldine

DECISION – Conditional Outline 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 28-Oct-2024

Officer Report

2024/92066 - Land Adj, 264, Barnsley Road, Flockton, Wakefield, WF4 4AJ

Site Description

Land adjacent to 264 Barnsley Road is a small plot of land, ~25.00m(w) x ~8.30m(d). It is currently a section of grassland with wild seeded shrubs. There is a single-storey wooden building on site, which is positioned on the eastern aspect of the site. To the north rests Barnsley Road, a primary A road. To the east and south rests agricultural fields which are in the Green Belt. To the west are residential dwellings.

Description Proposal

The application is seeking outline permission for the erection of residential development at land adjacent to 264 Barnsley Road. The applicant seeks outline permission for access and layout with all other matter reserved. The submitted information indicates the access onto Barnsley Road, parking & turning head, position of the dwelling and the landscaping. Notwithstanding the submitted plans, although the areas of landscaping have been provided, they are purely indicative at this time.

Negotiations/Amendments

A Coal Mining Risk Assessment was submitted to overcome concerns raised by The Coal Authority. Plans were amended to indicate works to the public footpath adjacent to the dwelling.

Consultation Responses

The Coal Authority – No objection, subject to conditions relating to land contamination.

KC Environmental Health – No objection, subject to conditions that relate to noise mitigation.

KC Highways – No objection

KC Conservation & Design – Objection to development, please see *Impact on Visual Amenity*.

Public Representations

The application was advertised by a site notice, which expired on the 06 September 2024. As a result of the publicity, there were 2 representations. Comments are as follows:

- How high the proposed building will be?
- What will be built at the front roadside i.e at the boundary between the land and the road.
- Will the visibility requirement for neighbours be suitable in terms of highway safety.
- I hope I am not alone in appealing against the permanent destruction of this charming and historic local landmark. Whilst I can find no reference to any formal legal status belonging to the old barn in order to support my objection to this submission, I strongly feel that it is a building worth fighting to preserve.
- Can I request therefore that before a judgement is made on the application to tear down this characterful little beauty, members of the Planning Committee take time to visit the site and admire its ancient Saltbox Roof which is of an architectural style and construction similar to many of the local barns and village houses in the surrounding area – several of which are ‘Grade 11’ listed.
- One single dwelling which is clearly being built for private and/or commercial purposes is neither altruistic nor will in any way combat the stated lack of social housing.
- The curtilage of our village is already spreading and this proposed property would take it further, and to the very edge of the Green Belt. If more new houses are considered necessary, please continue to pursue your current policy of infilling and using existing brown field land which, despite the applicant’s claims, I can find no documented evidence to suggest that this purported building plot is.

These comments will be assessed throughout the report within the *Assessment* section of the report, with a summary of comments in the *Representations* section of the report.

Relevant Planning History

None relevant.

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan

unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

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

- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Material Considerations

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental issues
- 5) Conclusion

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.

The site is UNALLOCATED 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...”

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.’

In this case, one additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits a single dwelling would bring.

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 1 dwelling. Therefore, the density is appropriate for the size constraints of the site, when taking into account access and suitable outdoor space for one dwelling.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2- Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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

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

The application seeks outline planning permission for residential development with all matters other than access and layout reserved. The scale, design and

landscaping are purely indicative; thus, the details are not being assessed or determined at this time. However, consideration must be given as to whether residential development on the site could cause detrimental harm to the character and appearance of the area.

In this instance the site is on the outskirts of Flockton, the site is on the edge of the developed area, to which is agricultural fields and sporadic development.

The building that remains on site is a wooden constructed building which is present on historic OS maps from 1922. The building is neither listed, nor in a conservation area. The building as it stands is a distinctive standalone structure with a historical and social interest, which is visually prominent due to its placement.

KC Conservation & Design raised concerns to the principle of developing the site as the layout could not accommodate a single dwelling whilst retaining the historic building. It was therefore considered to what extent material weight of the building could be applied to the grant of outline planning permission.

Paragraph 209 of the NPPF states, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The building does contribute to the historic character of the area and its loss would have a negative impact to the historic character of the area, however, it has not been listed as a non-designated heritage asset and in officer's view, the significance of the building is considered to be marginal. The contribution of a new dwelling is proportionate to the removal of the building. Considering the context of the building, there will be a positive contribution from the outcome of the decision, therefore the development is not considered to be inappropriate in regards to the loss of the building.

In terms of the layout of the site, the dwelling will be placed to the eastern aspect of the site, where the current building is present. The plot is confined due to its size. Hard surfacing for the driveway will therefore rest to the west of the dwelling. Given the simplicity of the layout, it is considered to be acceptable as the building will be positioned within the plot where a structure currently rests, providing space for the proposed driveway layout. One dwelling would be appropriate for the site given the layout of the garden space in order to provide private outdoor amenity space.

Although the scale of development is currently indicative, the dwellinghouse should be a suitable size so it does not disadvantage the future occupants. Due to the layout of the plot, the outdoor residential space is confined. Principle 17 of the Kirklees House Builders Design Guide states, *'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.* Given the proportion of outdoor space, a large dwelling with multiple bedrooms would not be suitable to the layout of the plot.

Due to the roadside, a dwelling would be positioned close to Barnsley Road which is a Primary A road with a 20mph speed limit. Layouts should mitigate from any noise disturbances, however given the positioning of the plot, the layout alone will not alleviate noise disturbances, therefore, as part of the approval for outlines permission, a condition is recommended for the submission of a noise assessment to ensure the occupiers are protected from road traffic noise.

It is noted that comments were raised on the height of the dwelling that would be situated on the site. The application is for outline permission for layout and access, details relating to the appearance of the dwelling are reserved at this stage. A single or two-storey dwelling would be acceptable in this instance, given the relationship with 262 Barnsley Road which is the adjacent property.

The bin storage area is located to the side of the property, away from the highway which is an appropriate position.

In conclusion, it is considered that subject to the details provided within the reserved matters application taking account of the issues identified in relation to the scheme shown indicatively as part of this application, the plot could be able to accommodate one dwelling which could be designed to contribute positively to the local character of the area.

Therefore, it is considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan and principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide could be achieved subject to an appropriately designed dwelling being proposed at reserved matters stage.

3 – Impact on Residential Amenity

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

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

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

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

The application proposal is seeking outline consent with all matters reserved, therefore the impact the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage.

A dwelling would be a sufficient distance from neighbouring occupants to prevent any significant overbearing harm

Consideration should be given at the reserved matters stage with regard to landscaping to ensure there is adequate green space for future occupants to use. Consideration should also be given in terms of design to ensure the proposed dwelling meets the minimum recommendations as set out within the Nationally Described Space Standards for such a dwelling.

In terms of the amenity of future occupiers, the development site sits facing the A637 which is a busy road, noise from which is likely to affect their amenity. A condition is recommended for the submission of a noise assessment to ensure the occupiers are protected from road traffic noise.

Given the above, the proposal in outline form, does not give rise to any undue significant adverse impacts upon neighbouring residential amenity in the outline stage submitted, as such, this aspect of the proposal is considered to be acceptable. However, it should be noted that careful consideration will be required at any future reserved matters application that any scheme is sensitively designed to respect the surrounding area and comply with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.

Chapter 9 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Design Guide SPD is also relevant.

Access to the site will be formed from Barnsley Road. KC Highways were consulted in regard to the suitability of the access, parking and the suitability of manoeuvring within the site. They initially raised an objection relating to pedestrian access adjacent to the site as the footpath is currently in a poor condition. Amended plans were received that included upgrading the adjacent footpath. The land is currently outside the applicants ownership. A section 278 of the Highways Act will be required for improvement works to the public highway to form a pathway that is constructed to British Standards. An informative in recommended which will be set that works are implemented.

Vehicle turning path plans illustrate vehicles can enter and exit the site in a safe manner. The provided turning head allow vehicles to exit the site in a forward gear. Parking spaces should relate to the number of bedrooms provided within the dwelling. The outline plans include 2 off-street parking spaces. The Kirklees Highway Design Guide SPD gives guidance on the number of off-street parking spaces that should be provided for new dwellings. A 2-to-3-bedroom dwelling should provide a minimum of two off-street car parking spaces. The number of bedrooms within the new dwellings should relate to the provided spaces.

Landscaping details, which would include the implementation of boundary treatments are reserved matters. It is noted that a number of concerns have been raised in representations regarding highway safety and the proposed access. In order to maintain a safe visibility for vehicles turning onto Barnsley Road, a 1.0m boundary treatment should be proposed to the front boundary,

allowing for visibility of the occupants and maintain a clear line of sight for all road users.

With regards to the provision of storage and collection of waste from the property, there is sufficient room within the redline boundary, adjacent to the access, to be used as a collection point.

The proposed application in outline therefore complies with Policy LP21 and LP22 of the Kirklees Local Plan, the aims of the Kirklees Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

Environmental Matters

Historic Coal Legacy

The site falls within a high-risk development area. A Coal Mining Risk Assessment was subsequently submitted and reviewed by The Coal Authority. The report identifies a risk to the proposed development from possible past unrecorded shallow and surface mining activity. The Coal Authority recommended suitable conditions to determine the extent of any works or mitigation that may be required which will be included as part of the decision for approval. In the event that outline planning permission is approved, it is recommended that a appropriately worded conditions are attached.

Ecology

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The agent has stated the application falls under the 'self-build' exemption category within the application forms. The agent has confirmed the development complies with the Self-build and Custom Housebuilding Act 2015, and the officers has no reason to dispute this, therefore the application is exempt from a BNG uplift.

Nonetheless, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework state that biodiversity net gain is required for all development. To create this net gain, a condition to

secure a bird box into the external walls of the new dwelling is recommended to be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements.

Electric Vehicle Charging

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

- One single dwelling which is clearly being built for private and/or commercial purposes is neither altruistic nor will in any way combat the stated lack of social housing.

Officer's Comment: Comment noted.

Visual Amenity

- How high the proposed building will be?

Officer's Comment: The application is for outline permission for layout and access, details relating to the appearance of the dwelling are reserved at this stage.

- I hope I am not alone in appealing against the permanent destruction of this charming and historic local landmark. Whilst I can find no reference to any formal legal status belonging to the old barn in order to support my objection to this submission, I strongly feel that it is a building worth fighting to preserve.

Officer's Comment: The building does contribute to the historic character of the area and its loss would have a negative impact to the historic environment,

however the significance of the historic asset is considered to be marginal and the building has no Listed Building status nor is a non-designated heritage asset. The contribution of a new dwelling is proportionate to the removal of the building.

- Can I request therefore that before a judgement is made on the application to tear down this characterful little beauty, members of the Planning Committee take time to visit the site and admire its ancient Saltbox Roof which is of an architectural style and construction similar to many of the local barns and village houses in the surrounding area – several of which are Grade 11 listed.

Officer's Comment: The application will be determined by delegated authority, by way of officer recommendation in accordance with the Council's Scheme of Delegation.

Highway Safety

- What will be built at the front roadside i.e at the boundary between the land and the road.
- Will the visibility requirement for neighbours be suitable in terms of highway safety.

Officer's Comment: Landscaping details, which would include the implementation of boundary treatments are reserved matters. It will be conditioned, in order to maintain a safe visibility for vehicles turning onto Barnsley Road, a 1.0m boundary treatment should be proposed for the treatment of the front boundary, allowing for visibility of the occupants and maintain a clear line of sight for all road users.

Other Comments

- The curtilage of our village is already spreading and this proposed property would take it further, and to the very edge of the Green Belt. If more new houses are considered necessary, please continue to pursue your current policy of infilling and using existing brown field land which, despite the applicant's claims, I can find no documented evidence to suggest that this purported building plot is.

Officer's Comment: Comment noted.

Conclusion

This application for outline planning permission for the erection of a residential development at land adjacent to 264 Barnsley Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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 indicative layout plan and access is acceptable. The proposed development, in strictly outline, would therefore constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/92066

Officer Recommendation: Approve

Conditions

1. Approval of the details of appearance, landscape, scale of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, landscape, scale of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
5. Notwithstanding the submitted plans, details of the soft and hard landscaping to the front of the dwelling must be submitted, and approved, at reserved matters stage.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan, Principle 8 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.
6. Prior to the occupation of the dwellings, an integral bird box (Schwegler 'woodcrete' type or similar) shall be located away from sources of light and be sited at least 4 metres above ground level. The bird boxes shall

be provided prior to first occupation of the dwellings 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.

7. Before construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. 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: 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. This is a pre-

commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

9. Before development commences, the sightlines of 2.4m x 43 metres shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

NOTE: The changes to the access within the adopted highway fronting the site, to provide a pedestrian footpath, will need to be constructed under a section 278 agreement of the 1980 Highways Act (public highway improvements). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site plan	24065D-01-P01	-	23 July 2024
Proposed site / block layout	24065D-01-P03	-	23 July 2024
Plan general 01	24065D-02-P01 visuals	-	23 July 2024
Coal Mining Risk Assessment	CMRA 00367	-	28 August 2024
Design and access statement	24065S	-	23 July 2024
Flood risk assessment	flood-map-planning-2024-07-22T10_59_05.383Z	-	23 July 2024
Climate change statement	24065	-	23 July 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.

A Coal Mining Risk Assessment was submitted to overcome concerns raised by The Coal Authority. Plans were amended to indicate works to the public footpath adjacent to the dwelling.