

**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:	2024/62/92112/W
Site Address:	74, Wakefield Road, Lepton, Huddersfield, HD8 0BL
Description:	Demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 21st November 2024

Officer Report – 2024/92112

Site Address: 74, Wakefield Road, Lepton, Huddersfield, HD8 0BL

Proposal: Demolition of existing dwelling and erection of replacement dwelling

Site Description

The application site relates to 74, Wakefield Road, a detached bungalow located in Lepton. The site is unallocated on the Kirklees Local Plan and is surrounded by residential development to the east and west. The site is accessed via an unadopted road off Wakefield Road. The surrounding dwellings are highly varied in size, style, and materials. The site is not located within a Conservation Area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity. To the further east beyond Wakefield Road land designated as Green Belt.

Description of Proposal

The applicant is seeking permission for demolition of existing dwelling and erection of replacement dwelling.

The proposed dwelling would be faced in coursed stone and render and would incorporate a pitched roof finished in blue slates. The dwelling would also include a single storey element with a pitched roof form which would be finished in render with a stone frontage to the north-west elevation. This would serve a garage. The dwelling incorporates four Juliet balconies to the first floor south-west elevation, each with a pitched roof above infilled with blue slates to match the host. The property would have an overall width of 20m, an overall depth of 9.3m (excluding the adjoining garage) and an overall height of 6.7m. The garage would project approx. 6.5m from the front /north east elevation with a width of 8m and a total height of 4.9m.

Off street parking is proposed to the front and rear of the dwelling and within the proposed adjoined garage. Private outdoor amenity space would be provided to the west of the dwelling. The development would result in 5 bedrooms.

History of Negotiations / Amendments Received

Following a consultation response from The Coal Authority, officers requested further information from the applicant. The applicant submitted the requested information, and The Coal Authority were reconsulted.

Agreement to pre-commencement conditions was sought.

Relevant Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 10th September 2024

3 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of Objection

- Substantive concern from The Coal Authority would pose a high risk of subsidence to neighbouring property
- Overlooking
- Adverse impact on wildlife
- Waste from development polluting neighbouring properties
- Noise levels resulting from the development

Letters of Comment

- Access to neighbouring properties should not be blocked during construction
- Development is larger than existing dwelling
- Loss of light

Consultation Responses

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

- **KC Environmental Health:** No objection subject to conditions

- **KC Highways Development Management:** No objection subject to conditions
- **The Coal Authority:** Following submission of further information, The Coal Authority withdraws its objection to the proposed development subject to the imposition of conditions.
- **KC Ecology:** No response received within statutory time period.

Allocation and Policy

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The site falls within an area with a known presence of bats and an area identified by the Coal Authority as being at risk of ground movement as a result of former mining activity.

The relevant policies for consideration in this case are:

Kirklees Local Plan

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway and Access
- LP22 – Parking
- LP26 – Renewable and low carbon energy
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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:

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

Chapter2	Achieving sustainable development
Chapter4	Decision-making
Chapter5	Delivering a sufficient supply of homes
Chapter9	Promoting sustainable transport
Chapter11	Making effective use of land
Chapter12	Achieving well-designed & beautiful places
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of Development

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

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply 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 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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 outof-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."

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Given the proposal would see a replacement dwelling and

density would remain at the same level as that of the existing site, as well as the fact increasing the density would be impacted by a number of constraints including the access arrangements and proximity of neighbouring properties it is considered that to insist upon a higher density of development would not be reasonable in this case and the individual site characteristics are such that the density of development is considered to be acceptable.

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

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

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

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

2 – Impact on character and appearance of the area

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

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

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

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

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

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

The proposal would be faced in coursed stone and render and would incorporate a pitched roof form finished in blue slate. The dwelling would also include a single story garage adjoined to the north-east elevation which would be faced in coursed stone and render to match the main house. The windows would be uPVC or aluminum with stone surround, with three sets of bi-folding doors to the ground floor rear/ south west elevation. The arrangement of fenestration and openings would appear typical of this style of dwelling and would have an acceptable impact on visual amenity. On this basis, it is

considered that the dwelling would not appear discordant and would harmonise well into the surrounding townscape.

Whilst the proposed dwelling would not adjoin to an existing building line on site, it is noted that there is not a strong building line along Wakefield Road and the existing dwelling is also set well back from existing development. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale, design, and materials. Therefore, the proposed dwelling would sit comfortably within the existing street scene and against the neighbouring properties.

The proposed dwelling would be set well back from the highway and accessed via a single unadopted track. The application site is also of a sufficient size to support a dwelling as proposed with a parking area to the front and private outdoor amenity space to the west. Furthermore, the development would not appear overly cramped or cause any undue harm to the character and appearance of the area.

The existing dwelling is render and the proposal would replicate this, with use of stone quoin and cills / detailing and blue slates to the roof is set out in the submitted plans. It is recommended that any grant of permission requires the materials to be those set out in the plans. Similarly, with regard to finished floor levels, it is considered the visual impact of the proposal would be acceptable in this regard, levels are detailed on submitted drawing 0156/2023-03. The finished slab / ground floor levels do not significantly increase from those of the existing dwelling as detailed on submitted plan 0156/2023-02 and are considered to be acceptable. It is recommended that any grant of permission requires the levels to be in accordance with those detailed on drawing 0156/2023-03.

Upon drawing 0156/2023-03 boundaries of the site appear to remain that as existing, given the existing boundaries in place at site it is not considered necessary to require a scheme of boundary treatments to be submitted as part of this application.

It is therefore considered that, subject to conditions the proposal would be acceptable with regard to visual amenity and would accord with Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the policies within of Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity and Future Occupiers

Sections 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 130 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.

Impact on 78 Wakefield Road

78, Wakefield Road is a two-storey detached property located east of the application site. The proposed dwelling would occupy a position approximately 14 metres to 18 metres from the neighbouring dwelling due to the angled building positions. It is noted that no windows are proposed to the front elevation of the application property that could cause undue overlooking / loss of privacy impacts. Roof lights would be in the roof slope which faces these properties although they would serve an ensuite, hall / landing area and bathroom. A secondary window (served by a roof light) is within bedroom 5. It is recommended these windows are obscure glazed and non openable to ensure no significant level of overlooking occurs from these openings.

Given the scale of the proposal is considered the proposal would not have a significant overshadowing or overbearing impact on the neighbour’s residential amenity.

To ensure that no overlooking occurs as a result of the insertion of further openings / development of the roof space at a later date it is recommended

that any grant of permission is subject to restriction to permitted development rights for development within classes B and C of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is considered the fact the proposed dwelling would incorporate rooms in the roof space and the distance constitute exceptional circumstance in this case to warrant the inclusion of this condition.

Impact on 80 & 82 Wakefield Road

80 and 82 Wakefield Road are residential properties located west of the application site. The rear gardens of these properties directly neighbor the application site, and the submitted plans confirm that a distance of approximately 2 metres would be retained between the front elevation of the proposed dwelling and the shared boundary with 80 and 82, Wakefield Road. No windows are proposed to this elevation and therefore the development would not cause undue overlooking/ loss of privacy impacts to occupiers of No. 80 and 82. The same conclusions are drawn in relation to roof lights and restriction to pd rights for classes b and c of part 1 of the GDPO for these properties as is drawn for no.78 and the conditions would be in place to protect the amenity of no.s 80 and 82 also.

With regard to overshadowing/overbearing. Given the distance between these properties and the scale of the development officers do not consider there to be any undue overbearing and overshadowing upon these neighbour's amenity. Given the orientation of the propose dwelling in relation to these neighbouring properties, any overshadowing would not be detrimental to the living conditions within these properties and can therefore be supported.

Impact on 84, Wakefield Road

This property is located to the east of the application site. The proposed dwelling would retain a minimum separation distance of approximately 1.5 meters to the shared boundary. The proposed plans show one first floor window to be inserted into the side elevation facing No.84, and this would serve a bedroom. The Housebuilders Design Guide SPD recommends for a 21 metre separation distance to be achieved between facing windows of habitable rooms at the backs of dwellings, and it has been assessed that an approximate 26 metre distance would be achieved in this case, and would not therefore cause detriment to overlooking or an undue loss to privacy to occupiers of No.84.

Given the relationship between the two sites, the proposed development is not considered to cause detrimental overshadowing / overbearing impacts to occupiers of No.84. Although the development would result in a degree of

bulk and massing closer to the shared boundary and rear amenity space of No.84, given the limited height of the proposal as well as the separation distance, it is not considered to cause detriment to the residential amenity of No.84.

Impact on 17, 19 & 21 Croftflat Drive

17, 19 and 21 Croftflat Drive are detached two story properties located west of the application site. It is noted that the proposed development would occupy a position approximately 40+ metres to the rear elevation from these neighbouring properties. Given that the separation distances retained would be substantial, it is considered that there would be no significant detrimental impact on the neighbouring amenity as a result of the proposed development.

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. Therefore, should the application be approved, a footnote will be included advising such works to take place 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.

Amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

Internally, the proposed dwelling would have a floorspace that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Principle 17 of the SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year.

In this case, the dwelling would have five bedrooms and the outdoor amenity space to serve it would consist of a paved terrace and lawned garden to the rear. It is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also noted that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

Given the recommendation to obscure glaze a roof light to serve a bedroom this has potential to impact upon the occupier of that room. Although this would be a secondary window and as such it is not considered the impact would be significant in this case.

In conclusion, with the inclusion of the aforementioned conditions and informative note, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6,16 and 17 of the Council's Housebuilders Design Guide SPD.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The application is for the demolition of the existing dwelling and the erection of detached dwelling at 74, Wakefield Road. As such, KC Highways Development Management have been formally consulted as part of the application, as the proposal would intensify the domestic use at the site.

The proposal seeks permission for the demolition of an existing 3 bedroomed detached bungalow with a single detached garage and the erection of a replacement 5-bedroom detached house with attached double garage. The

existing access which is shared with 78, Wakefield Road is to be retained and used as access for the proposed new dwelling. Highways Development Management have been formally consulted and set out the proposal includes ample off-street parking with internal vehicle turning. Given that the proposal is for a replacement dwelling that utilizes existing access and ample off-street parking, Highways Development Management has no objection to the development.

A condition will be added to the decision notice to ensure that the vehicle parking areas will 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.

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

5. Climate Change

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

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. Whilst the demolition and construction process would lead to a level of impact, it is noted the replacement building would need to incorporate higher standards of insulation and an electric vehicle charging point to meet the requirement of building regulations which is considered sufficient level of mitigation in this case. The proposed

development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Coal Mining Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered. The Coal Authority initially objected to this planning application, as a Coal Mining Risk Assessment Report had not been submitted as part of the application. However, the applicant has provided a Phase 1 Site Investigation Report (49246-ECE-XX-XX-RPC-0001, 14 October 2024) prepared by Eastwood Consulting Engineers. The Coal Authority concurs with the recommendations of the Phase 1 Desk Study Site Investigation Report that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority have recommended conditions be in place to require further investigations in relation to land stability. On the basis of the inclusion of the recommended conditions, having regard to the submitted detail it is considered land stability is a matter which can be satisfactorily controlled by condition and the proposal is therefore acceptable in this regard.

Contaminated Land

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The proposed development site has been identified as part situated on a former brickworks and therefore potentially contaminated (our site ref: 254/10). An Enviro All-in-One Residential search report by Groundsure, Report Ref: 51003441715001, dated the 4th of August 2024, has been submitted in support of the application. This report does not identify the previous potentially contaminative uses on part of the site and the potential for

shallow coal to be present, it therefore does not fully identify any potential risks at the site. KC Environmental Health accept the report however, conditions in relation to contaminated Land are still recommended to be included.

Having regard to the response of the Environmental Health Team and submitted detail it is recommended that conditions requiring submission of detail relating to contaminated land are included upon any grant of permission to ensure this matter is satisfactorily controlled.

Subject to the inclusion of conditions, the proposal is considered to be acceptable in this regard.

Construction Noise

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

Ecology

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site is within a 'Bat Alert' layer on the Council's GIS system. A Bat Survey Report dated 25th July 2024 by Middleton Bell Ecology has been submitted in support of this application. The report includes a desk-based study, an internal and external visual inspection and a nocturnal survey. The report found no historic bat records relating to roost presence were obtained in relation to the site, and no evidence of bat roosting was recorded during the visual inspection of the building, which was considered to display a low level of bat roost suitability. No bat roosting activity was recorded during the nocturnal survey, and it appeared that roosting bats were absent from the surveyed building. The report notes the works should proceed with caution and vigilance for unexpected bat presence, as single bats can roost almost anywhere.

Taking into account the submitted detail, officers deem it necessary to recommend a condition be added should the application be approved for the installation of one house sparrow box and one integral bat box. In addition, as a cautionary measure and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. The submitted application form sets out this is the exemption considered to apply in this case.

Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The site is not located within a flood zone. The applicant has stated in the application form that the surface water is to be discharged via the main sewer / connect to existing system. This is a matter which would be finalised at building regulations stage and it is not considered the development is of a scale whereby further information is required as part of this application for planning permission.

7. Representations

- Substantive concern from The Coal Authority would pose a high risk of subsidence to neighboring property
Officer response: This is noted. These matters have been addressed within the 'Other Matters' section of the report.
- Overlooking and loss of light
Officer response: This is noted. This has been considered and assessed under the 'residential amenity' section of this report.
- Adverse impact on wildlife

Officer response: This is noted. The impact on ecology has been considered within the other matters section of this report.

- Noise, pollution and access to neighbouring properties restricted resulting from the development

Officer response: This is noted. KC Environmental Health raised no concerns regarding noise. Given the scale of the development it is not considered necessary to insist upon a scheme of construction management to be submitted as part of this application.

- Development is larger than existing dwelling

Officer response: This is noted. The visual impact of the development has been considered under Section 2 of this report. This application is assessed on the basis of its own merits against the relevant planning policy context, as set out within this report.

8. Conclusion

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

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

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/92112

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 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this

decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30, LP31 and LP52 of the Kirklees Local Plan, Principles 4, 5, 6, 12, 13, 14, 15, 16, 17 and 19 of the Councils adopted House Builders Design Guide, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapters 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 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

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

8. No development (excluding demolition) shall commence until; a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the

Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework

9. 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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Prior to 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 and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

11. An enclosed and integrated bat box shall be incorporated into the dwelling 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 SPD and Chapter 15 of the National Planning Policy Framework.

12. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing 0156/2023-03. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policies LP11 & LP24 of the Kirklees Local Plan, and policies contained within Chapter 12 of the National Planning Policy Framework.

13. The development hereby approved shall be constructed from the materials of construction detailed within submitted drawing 0156/2023-03. The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed upon this drawing which shall be retained thereafter.

Reason: In the interests of visual amenity to accord with Policies LP11 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

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 Class(es) B and C of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers and does not lead to overlooking to accord with policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilder Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework

15. All roof lights and glazing in the north east roof slope shown on drawing 0156/2023-03 shall be obscure glazing or treated with a permanently affixed film which achieves a minimum privacy rating Grade 4 and non opening. The development shall not be brought into use until such obscure glazing or treatment with a permanently affixed film has been completed and which shall be retained thereafter.

Reason: To ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers and does not lead to overlooking to accord with policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilder Design Guide SPD and policies within Chapter 12 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 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: No construction related noise shall be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and	0156/2023-02	-	02/08/2024

Plan Type	Reference	Version	Date Received
Elevations			
Existing Topographical Site Plan	0156/2023-01	-	02/08/2024
Proposed Plans, Site Plan and Elevations	0156/2023-03	-	02/08/2024
74 Wakefield Road Bat Survey Report 25 th July 2024	MBE/BAT/2024/070/01	-	02/08/2024
Climate change statement	-	-	02/08/2024
Application form	-	-	02/08/2024
Enviro All-in-One Residential search report	-	-	05/08/2024
Phase I Site Investigation dated 14/10/2024	-	-	16/10/2024

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. Following a consultation response from The Coal Authority, officers requested further information from the applicant. The applicant submitted the requested information.

Report Dated: 19/11/2024

High coal

