

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No: 2018/44/93882/W

Site Address: 7, Lumb Lane, Almondbury, Huddersfield, HD4 6SZ

Description: Discharge conditions 7 and 8 (bats) on previous permission 2018/91727 for erection of replacement dwelling

Recommending Officer: John Ritchie

DECISION – Discharge of conditions 7 and 8 approved.

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Dec-2018

2018/93882 Officer Report

This application relates to planning permission for erection of a replacement dwelling at 7 Lumb Lane, Almondbury - 2018/91727. The application seeks to discharge conditions as follows:

7. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of 'low' suitability for bats (i.e. one survey visit) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the Local Planning Authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: *This is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts, and consequently result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017. This is in accordance with Policy PLP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.*

8. Where the survey report required under condition 7 (survey and report) confirms the presence of bat roost(s) within the structure, no development shall take place until a method statement containing details of suitable replacement bat roost(s) and/or measures to avoid impacts to roosting bats and their roosts has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

- a. conservation objectives of the proposed works;*
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c. number and location of replacement roost(s) shown on appropriate scale maps and plans (where relevant);*
- d. extent and location of proposed mitigation measures, other than replacement roost(s), shown on appropriate scale maps and plans (where relevant);*
- e. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- f. persons responsible for implementing the works;*
- g. initial aftercare and long-term maintenance (where relevant).*

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: *This is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of Policy PLP30 of the Kirklees Publication Draft Local Plan, Chapter 11 of the National Planning*

Policy Framework and a prerequisite in order to obtain the appropriate protected species licence.

Assessment

The submitted details have been reviewed by the KC Biodiversity Officer and are acceptable for the purposes of condition 7. The bat survey shows that no roosting bats have been recorded therefore condition 8 is not triggered.

Decision Text

You have submitted a Bat Survey Report dated 21st November 2018 reference MBE/BAT/2018/120/2 by Middleton Bell Ecology. This is acceptable to discharge condition 7.

The Survey Report is sufficiently robust to indicate that the building on site is not used by roosting bats therefore condition 8 is not triggered and is discharged.

Report Dated:

21 December 2018
