

**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: 2018/62/94167/E

Site Address: adj, 27 , Riley Park, Kirkburton, Huddersfield, HD8 0SA

Description: Erection of detached dwelling and associated landscaping works

Recommending Officer: Nia Thomas

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 12-Sep-2019

Officer Report

Site Description

The site relates to land adjacent to no. 27 Riley Park in Kirkburton. The piece of land is long and thin, with a public right of way running from the highway of Riley Park into the site itself. There are trees to the northeast along the boundary with neighbouring properties which are on a much lower level.

There is also a main river to the east of the site.

At the rear of the site, a significant distance away, there is a Listed Building – All Hallows Church.

The site is located adjacent to the Kirkburton Conservation Area and is unallocated.

Description of Proposal

Planning permission is sought for the erection of one dwelling and associated landscaping works.

The dwelling would have the following dimensions:

Height – 7m (eaves 5.1m)

Length – 21m

Width – 7.2m

The dwelling would have 4 bedrooms.

The access to the dwelling would be from Riley Park.

The dwelling would be constructed from Yorkshire stone for the external walls and slate for the roof.

History of negotiations/amendments received

Amendments have been sought with regards to the design of the dwelling and reducing its linear form, with information also being provided to address concerns raised by the Environment Agency. This information has been forthcoming and addresses the case officer's previous concerns. The agent has also submitted section drawings to show the relationship between the proposed dwelling and neighbouring properties.

Relevant Planning History

No relevant planning history.

Representations

11 representations have been received (10 in objection and one in support). The representation in support raises the following points:

- Fully support the application
- Progress is needed
- Implore planning officers to approve planning applications

The objections are summarised as follows:

- Sewerage system is already under pressure and has flooded – inevitable that proposed development will make it worse
- Disruption – building vehicles and materials
- Footpath looks at risk
- Site is in a conservation area
- Any error in construction of driveway and foundations could block sewage outlets
- Yorkshire water should be contacted. 15 other houses share the sewer and the waste water runs through the proposed housing plot
- Riley park narrow enough as it is
- Access to existing houses will be severely disrupted during construction by traffic and materials associated with the build
- Likely disturbance will be disproportionate to benefit of building one house
- Where will existing street lamp be moved to?
- Object to interference with public footpath which is used on a regular basis
- Should people be allowed to re- site the footpath?
- Who does public footpath belong to? Shouldn't they have final say?
- Large amount of glazing in rear that could potentially overlook garden
- How far is proposed property from neighbouring habitable room windows?
- Does there have to be a certain distance?
- Query re plans for the foundations. Neighbouring property had to build retaining wall due to steep banking
- Close to water course that is less than 20m away
- Classified as flood zone 3 and worried will increase flood risk to nearby properties
- Reference to council's Flood Management document
- No consultation with the Environment Agency – would seem essential that this is done on both developments (including one on Low Town)
- Reference to BE12 and distances – unclear from plans if this will be met. Should be included as a condition
- Unclear which trees will be removed and to what extent – difficult to tell what screening will be in place
- Privacy concerns due to direct views and height/level differences
- Council's responsibility to the Human Rights Act – loss of light will be suffered
- Existence of mine works beneath the site – banking appears unstable and would be concerned about excavation in this area

- Concerns about land slippage into the stream which could cause flooding
- Natural habitat for wildlife – regularly seen bats, owls, hedgehogs and birds
- Harmful impact on appearance of conservation area

Outside of the publicity period, a further comment was received raising the following points:

- Notice that amended plans have been put on the website – will residents get a chance to comment?
- Lanes for Drains did not do an adequate survey.
- Environment Agency should be contacted.

Officer comments will be made in section 6 of this report.

Kirkburton Parish Council – no comments have been received.

Consultation Responses

K.C Highways DM – no objection.

K.C Highways Structures – no objection subject to pre commencement condition

K.C PROW – no objection subject to pre commencement condition

The Environment Agency – no objection following receipt of additional information.

The Coal Authority – no objection subject to imposition of pre commencement condition

K.C Trees – no objection. No trees worthy of protection by tree preservation order

K.C Ecology – no significant ecological harm. Bat box condition required.

K.C Local Lead Flood Authority – no objection – requires consultation.

Policy

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

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP23** – Core walking and cycling network
- **LP 24** – Design
- **LP35** – Historic Environment
- **LP27** – Flood Risk
- LP30 - Biodiversity and geodiversity
- LP33 - Trees
- 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) published 19th February 2019, 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 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed 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

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) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable

development contained in the NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Chapter 5 of the National Planning Policy Framework identifies a Government objective of significantly boosting the supply of homes and the importance of having a sufficient amount and variety of land that can come forward where it is needed. The proposed development for the erection of 1 dwelling complies with this Government aim of Chapter 5 (paragraph 59) of the National Planning Policy Framework.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable following the receipt of amended plans to reduce the scale and linear form of the dwelling. The design of the proposed dwelling has been reduced to show an element of the building set down from the ridge of the main dwelling, thus reducing the bulk and massing and creating a subservient element. The design is acceptable and has adapted to its context with the plot being narrow and long.

As well as this, changes to the fenestration details are proposed, with this creating a more balanced appearance from the original scheme where only a few openings were proposed, which left large expanses of blank natural stone. Natural stone and slate for the materials are acceptable, with a range of materials being evident in the area. For this reason, the traditional materials that are proposed are sensitive to its conservation area boundary context. A condition has been recommended to ensure that the specific details of the materials are provided prior to the superstructure of the dwelling being constructed. The glazing and oak frame create a contemporary appearance.

Referring back to the layout of the dwelling, this fits within the urban form of the area which, from aerial photographs and a site visit, is varied in scale, type and design of dwellings. This means that the linear footprint of the proposed dwelling is not out of character. The host dwelling, no. 27 Riley Park is a bungalow with a long front elevation so the proposed dwelling read in this context is acceptable.

In terms of the streetscene, the proposed dwelling is set on a lower level than Riley Park and from the site section plan that the agent has submitted, the impact of the additional built form will not, given the levels differences and the fact that part of the dwelling is set down from the ridge, cause a harmful visual impact when viewed from the highway or the public right of way.

The dwelling is reasonably large in scale, but given the shape and size of the plot, there is an adequate amenity space for the occupiers and the development will not result in overdevelopment of the site.

The Listed Church is a distance of over 100 metres away and the Conservation Officer is satisfied that there is no harm to the setting of the listed church in any way.

Overall, the proposal complies with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. The relationship of each individual dwelling will be reviewed individually below.

Impact on no. 27 Riley Park (which is within the applicant's ownership)

There is a distance of over 24 metres between the proposed dwelling and no. 27 Riley Park which has habitable room windows in its side elevation. Considering this distance and the relationship with a habitable room window at first floor, there is no harmful overlooking/ loss of privacy to the occupiers of no. 27 as a result of the proposed dwelling. No. 27 Riley Park is a bungalow and will look over the top of the existing dwelling, rather than directly into any openings. Additionally, the associated private garden area is located to the side, rear and front of the building, meaning that any closer overlooking will not harmfully impact on the main space of garden area.

In terms of overbearing, given the distance, there is no concern in this regard.

Impact on no. 7 Riley Lane

7 Riley Lane is on a much lower level than the existing bungalow and is located slightly further from the proposed dwelling than no. 27 – this relationship is indirect and would result in an acceptable relationship between the dwellings despite there being habitable room windows in the elevation facing this site. At ground floor level, there are no habitable room openings facing this site, with a bedroom at first floor. Given the distance and levels differences, there is no harmful impact in relation to overbearing or overlooking/loss of privacy.

Impact on no. 14 Low Town

The dwelling will be located on a higher level than this neighbouring dwelling which has patio space and habitable room windows in its elevation facing this site. At ground floor level, there are patio doors serving a habitable room and at first floor, a bedroom window. Considering that there is a distance of 20 metres and levels differences between the sites, it is not considered to result in a harmful overbearing impact.

However, the case officer initially raised a concern with regards to the relationship between the dwelling and the neighbouring site in terms of overlooking given that there are habitable room windows in the proposed

dwelling at first floor. The agent has since provided a section plan, showing the distance between the sites and the indirect relationship between habitable room windows.

Given the levels differences, it is not considered that there would be direct overlooking into the patio area – any views from habitable room windows would look onto the dwelling, rather than the patio space. The levels differences and distance to the boundary of approx 15 metres is considered acceptable in this instance to mitigate any resultant harm from the window of bedroom 1 in the side elevation of the proposed dwelling.

Impact on no.s 16- 24 Low Town

These existing dwellings have habitable room windows in the elevations facing this site. However, given the distance of over 20 metres and the indirect relationship between the sites, there would be no harmful overbearing or overlooking/loss of privacy impact.

Impact on no. 24a Low Town

This neighbouring dwelling has habitable room openings in the elevation facing this site. However, the dwelling does not have a direct relationship with the proposed dwelling, given its set back and positioning at the end of the row of dwellings on Low Town. Considering the relationship and the distance of over 23 metres between elevations, there would be no harmful overlooking or overbearing impact on the habitable room windows of the dwelling or its privacy amenity space, despite habitable room windows facing towards this site.

Impact on no. 19 Riley Park

This dwelling is located on a much higher level than the proposed dwelling and has habitable room windows in its side elevation and rear elevation. However, given the levels differences in which the neighbouring dwelling is on a much higher level and the distance of 16 metres between the dwellings which do not have a direct relationship, there would be no harmful impact in terms of overbearing/ overlooking and loss of privacy.

Impact on no. 30 Low Town

There is a sufficient distance between the proposed dwelling and no. 30 Low Town of over 20 metres. Given this distance and the fact that no. 30 Low Town does not have large habitable room windows in the elevation facing this site (it has a door opening and two small openings), it is considered that the relationship between the dwellings is acceptable. There would be no harmful overbearing or overlooking/loss of privacy as a result of this relationship.

Conclusion

Overall, the proposal complies with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The impact on highway safety is acceptable. Following consultation responses from Highways DM and Highways Structures, there is no objection to the proposed development subject to the imposition of conditions and following the receipt of amended details.

Access would be taken from Riley Park and the proposed driveway is adjacent to the public right of way.

Initially, concerns were raised about the lack of adequate sightlines and the 1 in 6 driveway gradient and the agent was requested to provide additional information to show that adequate sightlines could be achieved.

A plan showing the required sightlines from the access and a driveway of a reduced gradient was submitted, meaning that KC Highways DM withdrew their objection and did not have a concern that there would be highway safety issues resulting from the development.

However, given the close proximity of the proposed driveway to the public right of way, and the indication on the plans for a proposed stone faced retaining wall, K.C Highways Structures have requested a pre commencement condition to understand the implications for creating the driveway.

In terms of parking provision, the dwelling accommodates 4 bedrooms and therefore 3 parking spaces are likely to be required on site. In this case, Highways DM have reviewed the plan and confirmed that there is adequate parking provision on the driveway to ensure that there would be no harmful displacement of vehicles onto the highway.

An objection raises the issue of a street lighting column having to be relocated. Highways DM have captured this in their response, confirming that the street light is shown to be re-sited to facilitate the new driveway. A footnote has been added to the decision notice to provide advice to the applicant regarding this issue.

The proposal complies with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

High Risk Coal Mining Area –

The site is in a high coal mining risk area and therefore consideration has to be given to coal mining legacy on the site. Given that the proposed

development is for a dwelling, consultation with the Coal Authority has been undertaken following the submission of a Coal Mining Risk Assessment.

Their recommendation is that a pre commencement condition is imposed to ensure that intrusive site investigation works are carried out and remedial measures put in place where necessary.

The proposed development is compliant with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework in this regard.

Publicity of amended plans – The amended plans have not been re-advertised to members of the public. This is because the amended plans indicate a reduction in the scale of the proposed dwelling. This course of action will not prejudice members of the public.

Trees – There are trees/shrubbery on the eastern boundary of the site and therefore an informal consultation with the K.C Trees Officer was undertaken. Following a site visit and review of the plans, it was apparent that the trees were not worthy of protection in their own right and that the proposed development could go ahead in this regard. The K.C Trees Officer did not consider that any conditions were necessary given the quality of the trees within the site. The K.C Ecology Officer was also consulted in regards to the possible loss of wildlife habitats, especially given the close proximity of the site to a water source. This was not a concern given that no buildings with bat roost potential are being demolished. The K.C Ecology Officer is not concerned with the proposed development and it is not considered that significant ecological harm would result. A condition to ensure that a bat box is installed has been recommended.

The proposed development complies with LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Listed Building – To the southeast of the site is All Hallows Church, a Grade II listed building. Consideration has been given to the impact of the proposed development on the setting of the listed building, with consultation with K.C Conservation and Design being undertaken. No concern was raised given the acceptable design of the dwelling and the distance between the proposed dwelling and the Listed Church. The proposed development complies with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Permeable surfacing for paving – A condition has been recommended to ensure that any paving is constructed from permeable surfacing. This is in the interests of reducing the level of flood risk, complying with LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Conditions (pre commencement) – Some of the recommended conditions are pre commencement conditions. The agent has confirmed their agreement in writing to the imposition of these conditions.

Public Right of Way (KIR/72/10) – The public right of way runs past the proposed site on a slightly higher level and therefore consultation with the K.C Public Rights of Way team has been undertaken. The K.C PROW team have commented on the footpath sections which have been submitted and commented that the scheme does not address the lack of an appropriate width required for the use of the footpath, and that no details of the proposed handrail, including its length have been submitted. For this reason, prior to the commencement of development, a scheme detailing the proposed works to the public footpath, including the provision of safety measures for users during a possible temporary closure, shall be submitted to and approved in writing by the Local Planning Authority.

The proposed development, subject to the imposition of the pre commencement condition as detailed above, complies with LP23 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

Level of Decision – There was some initial Councillor involvement in the application. Following a discussion between the case officer and the Councillor, the Councillor was satisfied that their initial concerns had been addressed through the submission of additional plans and information. It was confirmed that the application can be decided under delegated powers.

Flood Risk/ Environment Agency –

The proposed dwelling is located within 12.3 metres of the main river and therefore the Environment Agency were consulted. An initial and second objection was received due to the building being within close proximity of a culverted main river without any supporting information being provided to justify this. The concern from the Environment Agency was due to a concern that the stability of the culverted water course could be affected through the construction of built form in close proximity affecting its stability, thus increasing the chance of flooding to people and buildings within the surrounding area.

Further information was requested on any foundations and piling that is required close to the culvert, through assessing the current capacity and load of the culvert.

The agent provided information that states that there is no current culvert in use running through the site and that there is no evidence held by the Council or from site investigations of the location of the culvert. If there is, there are no entry points from the stream. Considering this information, the Environment Agency have withdrawn their objection, with two footnotes added to the decision notice. One states that an Environment Agency permit may be required, and one advises that if a culvert is found during investigation works, the Environment Agency must be contacted immediately.

The site is otherwise within Flood Zone 1 and a Flood Risk Assessment has been carried out. There is no objection from the Local Lead Flood Authority.

Considering the Environment Agency's revised comments, the proposed development is in accordance with LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

11 representations have been received raising the following points:

- Fully support the application
- Progress is needed
- Implore planning officers to approve planning applications
Officer comment: this is noted.
- Sewerage system is already under pressure and has flooded – inevitable that proposed development will make it worse
Officer comment: see other matters section of this report.
- Disruption – building vehicles and materials/ likely disturbance will be disproportionate to benefit of building one house
Officer comment: not a material consideration
- Footpath looks at risk
Officer comment: see other matters section of this report.
- Site is in a conservation area
Officer comment: the site is not in a conservation area but adjacent to it. As seen in the visual amenity section of the report, K.C Conservation and Design have been consulted on the application and have no objection.
- Any error in construction of driveway and foundations could block sewage outlets
Officer comment: the foundation details will be assessed by Buildings Regulations.
- Yorkshire water should be contacted. 15 other houses share the sewer and the waste water runs through the proposed housing plot
Officer comment: a footnote has been added to the decision notice to advise the applicant that YW approval is required. One dwelling is not considered to be a significant intensification of the site in this regard.
- Riley park narrow enough as it is (highways)
Officer comment: see highway safety section of this report.

- Access to existing houses will be severely disrupted during construction by traffic and materials associated with the build
Officer comment: not a material planning consideration
- Where will existing street lamp be moved to?
Officer comment: a footnote will be added to the decision notice to advise the application to obtain the required permissions prior to the commencement of development.
- Object to interference with public footpath which is used on a regular basis
- Should people be allowed to re- site the footpath?
- Who does public footpath belong to? Shouldn't they have final say?
Officer comment: see other matters section of this report.
- Large amount of glazing in rear that could potentially overlook garden
- How far is proposed property from neighbouring habitable room windows?
- Does there have to be a certain distance?
Officer comment: see residential amenity section of this report. The Kirklees Local Plan does not stipulate distances between habitable room windows.
- Query re plans for the foundations. Neighbouring property had to build retaining wall due to steep banking
Officer comment: The National Planning Policy Framework states responsibility for land stability lies with the developer
- Close to water course that is less than 20m away
- Classified as flood zone 3 and worried will increase flood risk to nearby properties
- Reference to council's Flood Management document
Officer comment: see other matters section of this report.
- No consultation with the Environment Agency – would seem essential that this is done on both developments (including one on Low Town)
Officer comment: consultation was undertaken with the Environment Agency who initially raised concerns. Additional information was provided and their objection was withdrawn.
- Reference to BE12 and distances – unclear from plans if this will be met. Should be included as a condition
Officer comment: this policy is in the revoked unitary development plan. The adopted local plan does not specify distances from habitable room windows but states that a good standard of amenity should be achieved.
- Unclear which trees will be removed and to what extent – difficult to tell what screening will be in place

Officer comment: the trees are not protected and therefore they can be removed without permission. See other matters section of this report.

- Privacy concerns due to direct views and height/level differences
- Council's responsibility to the Human Rights Act – loss of light will be suffered

Officer comment: See residential amenity section of this report.

- Existence of mine works beneath the site – banking appears unstable and would be concerned about excavation in this area

Officer comment: The National Planning policy Framework states that responsibility for land stability lies with the developer. A condition has been recommended in terms of requiring intrusive site works taking into account the impact of past coal mining legacy.

- Concerns about land slippage into the stream which could cause flooding
- Natural habitat for wildlife – regularly seen bats, owls, hedgehogs and birds

Officer comment: see other matters section of this report.

- Harmful impact on appearance of conservation area

Officer comment: see visual amenity section of this report.

Outside of the publicity period, a further comment was received raising the following points:

- Notice that amended plans have been put on the website – will residents get a chance to comment?

Officer comment: the publicity of amended plans is at the Planning Authority's discretion. In this case, the amended plans show a reduction in the scale of the proposed dwelling and therefore it is not considered necessary to re advertise.

- Lanes for Drains did not do an adequate survey.
- Environment Agency should be contacted.

Officer comment: The Environment Agency have been consulted on the additional information and confirm that the technical information is acceptable to allow them to withdraw their objection.

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

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/94167

Officer Recommendation: Approve

Conditions and Reasons:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP3, LP21, LP22, LP23 LP24, LP27, LP28, LP30, LP33, LP35 and LP53 of the Kirklees Local Plan and Chapters 5, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The development shall be completed using natural stone for the facing material and slate tiles for the roof. Samples of the facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the superstructure of the dwellings hereby approved.

Reason: To ensure the satisfactory appearance of the development on completion and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework

4. Prior to the commencement of development, a scheme showing details of the protection of the public footpath and its users, including details of any works affecting the footpath (such as any temporary closure requirements) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained.

Reason: This is a pre commencement condition as it is fundamental to ensure the structural stability of the public right of way and the safety of its users in accordance with LP23 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

5. Prior to occupation of the dwelling, an electric vehicle recharging point shall be

installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with Kirklees Local Plan Policy LP51 and guidance in the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order)

no development included within Classes A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The development shall not be brought into use until all areas indicated to be used for paving on the submitted site plan have been marked out, and laid out with a hardened and drained surface 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 any successor guidance.

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) these areas shall be so retained, free of obstructions and available for the use(s) specified on the site plan (ref. 33NL04).

Reason: In the interests of satisfactory and sustainable drainage and to comply with LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all new retaining walls adjacent to the existing FP (KIR/72/10) shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: This is a pre commencement condition as it is fundamental to making the scheme acceptable, in accordance with Kirklees Local Plan Policies LP21 and LP23 and Chapters 8 and 9 of the National Planning Policy Framework.

9. The new dwelling will include a bat roost box (Ecosurv bat brick, or similar) installed integral to the southern elevation at a height of at least 3 meters and not directly above doors or windows. Hereafter the boxes shall be retained. Prior to occupation of the dwelling hereby approved, photographic evidence showing the correct installation shall be submitted to the local planning authority for approval.

Reason: to provide ecological enhancement in accordance with the requirements of LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: Yorkshire Water consent must be sought for the connection of the drainage associated with the development.

NOTE: The relevant permission is required for the relocation of the streetlamp.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culvert

NOTE: If a culvert is found during investigatory works, the Environment Agency must be notified immediately.

NOTE: Due to its location, Bats may be present on or near to the application site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed site sections	712	-	03.06.2019
Proposed footpath sections	713	P02	07.06.2019
Topographical survey	SSL:19115:200:1:1	-	17.01.2019
Proposed elevations	721	P06	05.06.2019
General arrangement plans	720	P06	03.06.2019
Location plan	710	P03	17.01.2019
Proposed site plan	711	P10	03.06.2019

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. Amendments have been sought to set the extension down from the ridge of the host dwelling. The case officer also raised concerns in terms of the use of white render at this site – negotiations took place to alter the colour. The amended scheme is acceptable.

Report Dated: 12.09.2019

