

**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: 2019/62/94075/W

Site Address: 4, Olney Street, Slaithwaite, Huddersfield, HD7 5EG

Description: Erection of pair of semi-detached dwellings

Recommending Officer: Ellie Worth

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 26-Feb-2020

Officer report

Site description

The application site appears to be used in association with no.4 Olney Street and forms part of a mainly levelled landscaped area in which is overgrown. The site is bounded in by medium sized dry stone walling and timber fencing along the site frontage. The surrounding area is predominantly residential in character, consisting of a mixture of house types, including two storey dwellings and flats to the West of the application site.

The site is also unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of a pair of two storey semi-detached houses to be accessed from Olney Street. Each property would have a footprint of 6m in width x 8.6m in length with an overall height of 9.3m. The construction materials are natural stone with concrete tiled roofs, and the design of the dwellings will incorporate dual pitched roofs.

The plans also show a tiered gardens to the rear, with two onsite parking spaces to be provided for each dwelling.

The submitted documents also provide an overview to show how the proposed dwellings will fit in with the context of the site and the wider area.

The existing double garage at no.4 Olney Street will be demolished as part of this proposal. Bin storage for the existing and new dwellings have been demonstrated on the site plan OS P 01 Rev B.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding the proposed roofing materials and the design features shown on the submitted plans. Concerns were also raised following the consultation response from KC Highway DM with regards to the proposed bin storage and collection point. As such, an amended plan was received on the 11th February to overcome some of these concerns.

Relevant Planning History

2018/93556 Erection of detached dwelling – Granted (adj to 4 Olney Street)

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 24th February 2020.

As a result of the above publicity, three representations have been made, one general comment and two in objection. A summary of the comments can be seen below and will be further assessed in the report:

Highway safety:

- Damage to the existing highway from large vehicles driving on the pavement
- Concerns regarding the new parking for no.4 Olney Street
- Existing highway concerns will be intensified by this proposal
- Impact on young children playing in the area due to the amount of vehicles
- The new location for bin collection is not acceptable as it will block the passage way to neighbouring properties
- Loss of parking for no.4 Olney Street
- Problems caused by delivery drivers

Visual amenity:

- Concerns regarding the design of the dwelling
- The impact on amenity from the proposed dormers, given that these would be visible within the street scene
- The design of the proposed openings
- Concern over the use of concrete tiles
- Foundations of the new houses wouldn't be as deep as the existing properties
- The area is already over developed
- The design features are not in keeping with the area

Biodiversity and climate change:

- Lack of bird and swift boxes
- Loss of trees and the impact on carbon footprint
- Air pollution
- The previous application had a bat box condition so this should also be allowed for

Health and safety

- The proposed garage to be demolish contained an asbestos roof so will this be disposed of correctly

Consultation Responses

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

- *KC Highways DM* – On balance any concern regarding parking for no.4 can be supported.
- *KC PROW* – No objection

- *KC Environmental Health* - No objection subject to conditions regarding land contamination and electric charging vehicle points being attached to the decision notice.
- *KC Conservation and Design* - No objections to the proposal

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:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highway safety
- LP22 – Parking
- LP23 – Core walking and cycling routes
- LP24 – Design
- LP28 – Drainage
- LP30 - Biodiversity
- LP34 – Conserving and enhancing the water environment
- LP35 - Historic Environment
- LP51 – Protection and improvement of local air 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) 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 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well design places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

- Chapter 15 – Protecting 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
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The application site comprises of an area of land associated with 4 Olney Street in which is unallocated on the Kirklees Local Plan. 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”.

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Chapter 2 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations) which are interdependent and need to be pursued in mutually supportive ways. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Amongst other things, residential or visual amenity, highway safety or the character of the area are all considerations are addressed later in this assessment.

The application will provide two additional dwellings and therefore it is considered appropriate to consider the housing position for the LPA. Furthermore, in the recently adopted Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five year land supply, the development of this plot can be considered as a windfall site, which is likely to be constructed quickly and contribute to the delivery of housing by providing the additional dwellings. For these reasons, the principle of having a small housing development within this location has been considered acceptable.

Furthermore, it has been noted that the site also has an extant permission for the erection of a detached dwelling under the 2018/93556 application which is a material consideration that is considered to establish the principle of having a residential property at the application site.

2. Impact on visual amenity and heritage

Policy LP24 of the Kirklees Local Plan stipulates proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape. In this case, the site is an infill plot between a row of terrace houses and a detached property which contains 3 flats. More specifically the wider area predominantly comprises of two storey properties, whereby the common construction materials are stone and render, and therefore this is the setting in which the dwellings must satisfactorily assimilate into the street scene.

The dwellings would be situated relatively close to the highway in order to keep in with the general linear pattern of the properties along this road frontage. In terms of scale, the dwellings would be two storey in height with accommodation within the roof space. This is comparable to the properties which lie east of the application site, especially when viewed from the junction with Meal Hill Lane. To the West of the site lies an irregular shaped rendered building in which appears to accommodate 3 residential flats.

Given the above it has been considered that the overall size and scale of the residential properties would appear sensitive to the character and context of the area and would therefore sit comfortably within the street scene. This is demonstrated within the section plan, which shows the proposed dual pitch roofs to sit at a similar height as the row of terrace properties to the east. As such, officers are satisfied that the dwellings will not have an oppressive nor overbearing impact when viewed within the street scene and will harmonise with the general character of the surrounding properties in accordance with Policy LP24 of the Kirklees Local Plan.

With regards to the design features, amendments have also been sought in order to incorporate a water tabling at either end of the building to reflect that on the adjacent property. Corbels and an ashlar string course is also included to reflect design details on the adjacent property.

In terms of the roofing materials, concrete tiles are proposed, Officer would prefer the use of slate to be reflective of the adjacent no.4 Olney Street. However the agent has outlined that the previous extant permission for a detached dwelling was granted with concrete tiles and the adjacent block of flats includes concrete roof tiles. Given these circumstances and given that the site is unallocated on the Local Plan the use of such materials is not considered to be detrimental.

Turning to the rear roof slopes, the submitted plans show one modest sized dormer to be inserted on the rear elevation of each dwelling. These would be constructed from hanging tiles to match the host property. In regards to the size and scale of the dormers, it has been considered that they would be set down from the ridge roof line and up from the eaves. The flat roof design, also helps to reduce some of the bulk and massing within the roof space. More importantly, the change in land levels within the vicinity further alleviates some of the impact and therefore it has been considered that the benefit of providing a third bedroom at second floor would outweigh any visual concern. The dwellings, are also carefully contained between two residential properties and therefore the proposed dormers would not appear overly prominent within the street scene.

The agent has also confirmed that the existing dry stone wall to the front and side of the site will be retained as shown on the submitted plans. In terms of the proposed boundary treatment between plot 2 and no. 4 Olney Street an amended plan has also been received, to show a timber fence. This has been considered acceptable from a visual perspective.

In all, the proposal is considered acceptable from a visual amenity perspective and would result in a development which, on balance, would promote good

design by respecting and enhancing the townscape, in accordance with the aims of policy LP24 of the KLP as well as chapter 12 of the NPPF.

Setting of Grade II Listed building at 14 -17 Hill Fold

To the West of the site lies a group of grade II listed buildings which comprises of former yeoman house dating back to 1685. The building incorporates some earlier timber work and thinly coursed roof with quoins and a slate roof. Although the house was divided in the C19 the original form can be clearly seen.

Significant of affected heritage assets

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of an application for planning permission on the setting of a heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy LP35 of the Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets

In this case, given the siting of the proposed dwellings, it has been noted that these would be partially seen in the context of the listed buildings when viewed from the West. However, it is considered that the impact in which the proposal would have on the setting of the listed building would be minimal given the large and irregular shaped building to the west of the site in which will separate the application site from the Listed Building.

In the light of this the Listed Building Officer has raised no concerns as the impact from the proposal would be neutral. The officer also requested that samples of the walling and roofing materials should be submitted before building commences. However, given the existing extant permission and the fact that the new dwellings will not be directly read in conjunction with the Listed Building, on balance, it is not considered necessary to request these details.

In summary, it has been concluded that the proposal would be of a satisfactory design quality and would be in keeping with the character of the area, including the setting of the listed Building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

A core planning principle as set out within the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local plan. The nearest residential properties to the site in which have the potential to be affected by the proposal are 2,2a, 2b, 4, 9 and 11 Olney Street, 3 and 5 Hill Top Road and 26-30 Waverly Street.

2, 2a and 2b Olney Street are the residential units contained within the building to the west of the application site. It has been noted that the main openings within this building are to the south, however, there are two existing openings within the eastern facing gable in which face onto the application site. These include a small opening at ground floor and a larger opening at first floor in which appears to be habitable. Whilst the proposal is likely to have some impact on these neighbours amenity, the submitted site plan clearly demonstrates the relationship in which the new properties would have with these neighbours. In this case, the plans show the main bulk of the dwellings to be located to the front of the application site and therefore any impact on overbearing and overshadowing is not considered to be detrimental.

In respect of fenestration, the submitted plans also show three small windows to be inserted into the South Western facing side elevation of plot 1. These will serve a W.C at ground floor, a landing at first floor and a secondary window to bedroom 3 at second floor. As such, it has been considered that there would be no significant loss of privacy at these neighbours, with new openings being controlled under the GPDO.

As such, it has been considered that there would be an acceptable level of amenity retained at these neighbours.

9 and 11 Olney Street are the neighbouring properties to the South and South East of the application site. There would be a separation distance of approximately 14m between the nearest front elevations at these neighbours to plot 2. Furthermore, the submitted plans show that there would be no direct relationship between these neighbours, and therefore it is unlikely that there would be any adverse impact on overbearing and overshadowing from the additional bulk and massing at the application site.

Given the above, it has also been considered that any impact on overlooking from the openings contained within the front elevations of the dwellings would not be undue and therefore officers can support this relationship.

3 and 5 Hill Top Road are the neighbouring properties to the South of the application site. There would be a separation distance of approximately 34m between the nearest elevations at these neighbours alongside a slight change in land levels. As such, the proposal is unlikely to have any significant impact on the level of amenity at these neighbours in terms of overbearing, overshadowing and overlooking.

The proposal would also achieve a separation distance of approximately 40m to the neighbouring properties at 26-30 Waverly Street, alongside the fact that these neighbours are situated on a slightly higher level given than the application site, given change in land levels within the area. For these reasons, it has been considered that there would be no detrimental overlooking, overbearing or overshadowing on these neighbours amenity. Furthermore, it has been noted that the rear elevations of the proposed dwellings would have a similar relationship to those that exist between the properties in which line Olney Street and Waverly Street.

Turning to 4 Olney Street, it has also been considered that there would be an acceptable level of amenity retained at this property. This is due to the fact that the main bulk of the development would be adjacent to the South Western facing gable, would be separated by the parking spaces and therefore any impact on overbearing and overshadowing would not be significant.

Alongside this, from undertaking the site visit it was also apparent that the existing small opening within these neighbours side elevation, serves a landing. As such, any loss of light and privacy from the proposed dwelling (plot 2) would not be detrimental. This is due to the fact that the ground floor opening would serve a W.C, the first floor opening would serve a landing and the second floor opening would serve as a secondary window to bedroom 3.

With regards to these neighbours rear amenity space, it has been noted that there would be some impact in terms of overshadowing. However, this would only be evident within an evening and therefore can be supported. Nevertheless, it is considered reasonable to withdraw permitted development rights for any other buildings /extensions and roof alterations so as to avoid overdevelopment of the site and the detrimental impact on the amenity of the occupiers of the neighbouring sites. Windows within the first floor side elevation of plot 2 would also be controlled under the GPDO.

In summary, the proposal is considered to have an acceptable impact on residential amenity for the reasons outlined above, subject to a condition being attached to the decision notice removing permitted development rights for extensions/ outbuildings and roof alterations. For these reasons the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highways DM have been formally consulted as part of this application, due to the fact that the proposal would provide a pair of semi-detached dwellings within the garden space of an existing dwelling. The existing tandem garage to serve no.4 Olney Street will also be demolished as part of this application.

In terms of access, this will be taken onto Olney Street, a 30mph two way single carriageway to serve the residential cul-de-sac, which is approximately 7.5m in width with footways on both sides and street lighting. There are bus stops on a medium frequency route within 100m, a railway station within 175m and the site is approximately 500m to the town centre.

Whilst no trip generation details have been submitted with this application, it is not expected that the proposal would generate sufficient trips to have a severe impact on the operation of the local highway network. Furthermore, the principle of having a residential property at the application site has already been established under the 2018/93556 permission.

The proposed dwellings will provide 3 bedrooms and therefore two off street parking spaces have been shown on the submitted plans for each dwelling. Nonetheless, concern has been raised in terms of the loss of off street parking at the existing dwelling, no.4 Olney Street, due to the demolition of the existing garage to make way for the proposal.

However, it has been noted that there is existing on street parking along Olney Street, whereby highways officers believe there to be some space available for the displaced vehicles. This is due to the fact that the road serves a cul-de-sac of approximately 40 properties and therefore the levels of traffic are expected to be low. Therefore, on balance the proposed parking layout has been considered to be acceptable.

With regards to bin storage, initial concern was raised by KC Highways DM as the bin location would be to the rear of the properties behind the parking areas. As such, an amended plan has been submitted to the council, to show the new bin location to be at the front of the dwelling, which have been considered acceptable from a highways perspective.

It has also been considered reasonable to impose a condition to ensure the additional driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

Having taken into account the above, it has been considered that on balance the proposal would have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Electrical vehicle charging points

KC Environmental Health have advised that an electrical charging point should be installed for each new dwelling, in order to maximise sustainable transport solutions which includes the supporting of the transition to low emission vehicles. This is also set out within the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Local Plan and therefore a condition will be attached to the decision notice accordingly.

Contaminated Land

The site has been identified on the council's internal mapping system as potentially contaminated due to its previous use as a quarry. As such KC Environmental Health have recommended land conditions are included as part of this permission to include a phase 1 and phase 2 contaminated report alongside adequate remediation measures and a validation report.

These conditions will be pre-commencement in accordance with Policy LP53 of the Kirklees Local Plan.

Biodiversity

The site lies within an area identified as Bat Alert on the Councils geographical information system. Given the site forms part of a domestic curtilage, it is unlikely to currently hold limited biodiversity interest. Nonetheless, to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF it has been considered reasonable to condition enhancement measures in the formation of an integral bat box within the South Western facing elevations of the dwellings during the construction phase.

The existing garage also appears well sealed around the eaves and therefore is unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought.

Public right of way

It has been noted that there is a public right of way (COL/251.10) which runs to the North West of the application site. However, given the location of the proposed dwellings with the PROW, it is unlikely that the additional development would have any undue impact upon its setting. This would be in accordance with Policy LP23 of the Kirklees Local Plan. A note regarding the PROW will however be attached to the decision for information.

6. Representations

As part of the above publicity, two representations have been received. A summary of these concerns alongside officer comments can be seen below:

Highway safety:

- Damage to the existing highway from large vehicles driving on the pavement
Comment: This is not a material planning consideration and therefore cannot be taken into account as part of this application any damage to public highway would be dealt with through separate legislation.
- Concerns regarding the new parking for no.4 Olney Street
Comment: This has been assessed within section 4 of the report.
- Existing highway concerns will be intensified by this proposal
Comment: This has been assessed within section 4 of the report.
- Impact on young children playing in the area due to the amount of vehicles
Comment: The proposed development is not considered to materially impact upon highway safety and the existing parking arrangement.
- The new location for bin collection is not acceptable as it will block the passage way to neighbouring properties
Comment: This has been assessed by KC Highways DM who raise no objection to this, there are also no objections to its location on design grounds.
- Loss of parking for no.4 Olney Street
Comment: This has been assessed within section 4 of the report.
- Problems caused by delivery drivers
Comment: This is not a material planning consideration.

Visual amenity:

- Concerns regarding the design of the dwelling
Comment: This has been assessed within section 2 of the report and is considered to be acceptable.
- The impact on amenity from the proposed dormers, given these would be readily visible within the street scene
Comment: This has been assessed within section 2 of the report and is considered to be acceptable.
- The design of the proposed openings
Comment: The visual appearance of the dwellings have been assessed within section 2 of the report and is considered to be acceptable.
- Concerns over the use of concrete roof tiles
Comment: The use of these materials have been assessed within the report above.
- Foundations of the new houses wouldn't be as deep as the existing properties
Comment: This is not a material planning consideration, the development would need to accord with building regulations and is covered by separate legislation.
- The area is already over developed
Comment: The scale of development is unlikely to overdevelop the site nor the wider area.
- The design features are not in keeping with the area.
Comment: This has been assessed within section 2 of the report.

Biodiversity and climate change:

- Lack of bird and swift boxes
Comment: A condition will be attached to the decision notice in order to ensure biodiversity enhancements are achieved at the site.
- Loss of trees and the impact on carbon footprint
Comment: This has been noted.
- Air pollution
Comment: Given the relatively small scale of the development, the scheme is unlikely to have a detrimental impact on air pollution, however the proposal does include the provision of electric charging

points do support low carbon transport technologies which in turn aid in reducing air pollution.

- The previous application had a bat box condition so this should also be allowed for

Comment: This has been noted and therefore a condition will be attached to the decision notice accordingly.

Health and safety

- The proposed garage to be demolish contained an asbestos roof so will this be disposed of correctly

Comment: This is not a material planning consideration and therefore cannot be assessed as part of this application. Any asbestos would need to be removed in an appropriate way in accordance with the relevant legislation.

The above comments have been carefully considered in the determination of this application. However, they are not deemed to substantiate defensible reasons for refusal for the reasons outlined above.

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 is acceptable and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/94075

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 in the interests of highway safety in accordance with Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The dwelling hereby approved shall be faced in natural stone and concrete tiles of a flat profile in accordance with the details on the application form, thereafter such materials shall be retained on the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local plan and the aims of the National Planning Policy Framework.

4. Before the hereby approved dwellings are first occupied, the existing stone wall along the road frontage shall be lowered so as not to exceed 0.9m in height. Thereafter nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Olney Street which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety and to comply with Policy LP21 of the Kirklees Local Plan, as well as the guidance set out in the National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated on hereby approved Plan Dwg. No. OS P 01 Rev B has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Before occupation of each of the hereby approved dwellings, one electric vehicle recharging point shall be provided in the parking area of each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Kirklees Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without within the site outlined in red on Dwg. No. OS P 01 Rev B the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and so as not to prejudice the amenities of neighbouring residents in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. During the period of construction, one bat box, in the form of a Schweglar type 1FR woodcrete bat box or similar, or similar shall be incorporated within each of the hereby approved dwellings, at least 5 metres above ground level, and not above a door or window. The bat boxes provided shall be thereafter retained.

Reason: To enhance the biodiversity of the development and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. 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) 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 paragraphs 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (9) Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (10) further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition as remediation measures may be necessary before work can commencement on the construction of the development hereby approved.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

13. 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. 178 and 179 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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. 178 and 179 of the National Planning Policy Framework.

NOTE: Construction working times

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours , Saturdays

With no noisy activities on Sundays or Public Holidays

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, a bat roost may be present on 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.

NOTE: Colne Valley 251 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing site plan	OS P 02	-	18 th December 2019
Design and Access Statement	Dated December 2019	-	18 th December 2019
Location plan and proposed site plan, sections, floor plans and elevations	OS P 01	B	17 th February 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority 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. In this instance, the officer entered into discussions with the agent regarding the proposed roofing materials and the design features shown on the submitted plans. Concerns were also raised following the consultation response from KC Highway DM with regards to the proposed bin storage and collection point. As such, an amended plan was received on the 17th February to overcome some of these concerns.

Report Dated: 26th February 2020

