

**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: 2021/44/90374/W

Site Address: land adj, 1, Heaton Park Villa, Gledholt, Huddersfield,
HD1 4HJ

Description: Discharge conditions 3 and 4 on previous permission
2020/92670 for erection of dwelling with integral
apartment and associated works

Recommending Officer: Emma Thompson

DECISION – Details for conditions 3 and 4 acceptable

**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: 25-Mar-2021

2021/90374 – OFFICER REPORT

This application relates to the discharge of conditions 3 (Ecological Design Strategy) & 4 (Lighting strategy) on planning permission 2020/92670:

Condition 3:

3. No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.
- b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e. Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction programme.

Assessment:

The Ecological Design Strategy (EDS) reference (MBE/OTH/2021/01) submitted provides sufficient detail that a biodiversity net gain will be achieved post-development. The ecological measures outlined in the plan should be implemented in accordance with the attached timetable of works and maintained, as such, thereafter.

The submitted details are therefore considered acceptable for satisfying the condition. The agreed strategy is required, in perpetuity, during the construction of the development and thereafter. This means that condition cannot be fully 'discharged' due to this ongoing requirement.

Condition 4:

4. Prior to occupation, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and

resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c. all external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To prevent significant loss or harm to biodiversity and to safeguard the function of the Kirklees Wildlife Habitat Network in line with Policy LP30 of the Kirklees Local Plan.

Assessment:

A lighting design strategy is incorporated into the submitted EDS reference MBE/OTH/2021/01 submitted provides sufficient detail which outlines the areas sensitive to nocturnal species and demonstrates how lighting to be installed will result in minimal light spill onto retained vegetation as required by Policy LP30 of the Local Plan. This includes no new external lighting to be installed to the south of the site to ensure zero lux light spill onto the Kirklees Wildlife Habitat Network. These measures are requirement to be incorporated into the development in order to satisfy Condition 4. If in future any further lighting is to be installed above that specified within the EDS, prior approval from the Local Planning Authority must be sought.

The submitted details are therefore considered acceptable for satisfying the condition. The agreed strategy is required, in perpetuity, during the construction of the development and thereafter. This means that condition cannot be fully 'discharged' due to this ongoing requirement.

Decision Text:

Condition 3 (Ecological Design Strategy):

The details submitted within the Ecological Design Strategy reference MBE/OTH/2021/01 are acceptable for the purpose of condition 3 in accordance with the terms of the approved planning application 2020/92670. The condition requires the development to be completed in accordance with the agreed strategy and as such the requirements remain in perpetuity.

Condition 4 (lighting strategy):

The details of external lighting design strategy submitted within the Ecological Design Strategy reference MBE/OTH/2021/01 are acceptable for the purpose of condition 4 in accordance with the terms of the approved planning application 2020/92670.

The condition requires the development to be completed in accordance with the approved scheme with all external lighting installed in accordance with the specifications and locations set out in the strategy. Furthermore, there is an ongoing requirement in the condition that external lighting is then maintained thereafter in accordance with the strategy.

Report Dated: 25th March 2021