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:	**2021/62/93093/W**
Site Address:	259, Birkby Road, Birkby, Huddersfield, HD2 2DW
Description:	Demolition of existing dwelling and erection of one dwelling with integral garage
Recommending Officer:	Stuart Howden

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 3rd February 2022

Officer Report

Site Description

259 Birkby Road, Birkby, Huddersfield, HD2 2DW

The site comprises a detached two storey dwelling, mainly constructed from brick and stone under a tiled roof. A lean-to element protrudes forward of the main body of the dwelling and then the roof pitches upwards again to provide space for a car port. The property benefits from access off Birkby Road with hardstanding for parking to the front of the dwelling, and the dwelling is set back from the highway. The dwelling is set within a relatively generous plot with a private garden area to the rear of the dwelling, and a garden area containing 3 protected trees to the front of the site.

The site is located in a predominantly residential area, and the site is surrounded by residential properties. Neighbouring dwellings along the southern side of Birkby Road tend to be detached and set within spacious plots, but there is a mixture of dwellings in terms of form and overall appearance. Nearby dwellings also tend to vary in height, but do not exceed 2 storeys in height. The neighbouring property to the west side is on higher ground than the site.

The site is not in a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the demolition of the existing dwelling and the erection of one dwelling with an internal garage.

The proposed dwelling would appear two storey in height, with living accommodation in the pitched roof (with rooflights). The siting of the dwelling would be somewhat similar to the existing dwelling at the site, being set back from the highway and would have a rectangular form. The dwelling would face Birkby Road. The dwelling would have a ridge height of ~9.4 metres, eaves height of ~5.7 metres, width of ~16.7 metres and depth of ~12.7 metres. The dwelling is proposed to be constructed from stone under a slate roof. A single storey stone portico is proposed to the front of the dwelling, along with double garage doors. The access off Birkby Road is to remain as existing, but the driveway is proposed to be widened to 5 metres.

History of negotiations/amendments received

Officers raised concerns with the applicant's agent regarding the proposal, in relation to the harm of the proposal upon character and appearance of the locality, protected trees and highways safety. The applicant's agent was offered the opportunity to provide amended plans and additional supporting

information, and following a number of revisions to the proposal and the submission of additional information, the concerns of Officers were addressed.

Relevant Planning History

No relevant planning history at the site.

Representations

Final publicity date Expires:
Neighbour letters initially expired on 27th September 2021.

2 representations were received as a result of the above publicity, which objected to the initial proposal under this application. The full comments are available to view on the Council's Planning Webpage, but a summary of the concerns raised is provided below:

- Loss of privacy and overlooking.
- Loss of trees, some of which are protected and what is impact upon future of these tree?
- Demolition of existing dwelling (which is a current theme in the locality) is not sustainable.
- Nuisance from construction phase.

After the submission of amended plans given Officer concerns with the initial proposal, immediate neighbours were reconsulted on 6th October 2021 following this, and Neighbour Letters expired on 27th October 2021. Following this re-consultation 1 representation was received, which objected to the revised proposal under this application.

The full comments are available to view on the Council's Planning Webpage, but a summary of the concerns raised is provided below:

- Overdevelopment of the plot.
- Taller and wider than existing property on the site.
- Scale and design not in-keeping with existing development and would cause harm to the visual amenities of the locality.
- Changes to boundary treatment should be restricted to prevent harm to the openness and character of the area.
- Overbearing effect.
- Unsustainable to demolish a relatively modern house.

Consultation Responses

KC Environmental Health: No objections subject to conditions.

KC Highways Development Management: No objections subject to a condition.

KC Trees: No objections subject to a condition.

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 Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – 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 20th July 2021, 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 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **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

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

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:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

> *"All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable

housing land supply and therefore continues to operate under a plan-led system.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 2 to 3 dwellings. However, LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. One dwelling is proposed in this instance, but this is considered appropriate as more dwellings on the site would likely result in a cramped form of development that would fail to sympathetically integrate with existing development in the locality. It's also worth noting that the proposed dwelling would essentially replace an existing dwelling on this site.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees

Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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

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

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

The siting of the dwelling would not be too dissimilar to the existing dwelling at the site, and would be in a relatively similar building line to the neighbouring dwellings to the south side on Birkby Road, and the south side of Birkby road does not have a very strong building line. The front elevation of the dwelling would also address the street. It is therefore considered the siting and orientation of the dwelling are acceptable in principle. The proposal would also result in a good sized garden to the rear, as well as parking and garden space to the front, similar to the existing layout and most other properties in the locality, helping to maintain the suburban and green character of the area.

Initially a dwelling 2 ½ storey in appearance was proposed, but given the height of existing dwellings in the locality Officers raised concerns with this, and following these concerns the dormers were removed from the front elevation of the dwelling. The dwelling now appears two storey in height which is considered to be acceptable given the scale of surrounding dwellings in the locality. The ridge height of the dwelling (~9.4 metres) is considered to be relatively high, especially in comparison to both next door neighbouring dwellings. That said, given the height of other dwellings in the immediate vicinity and that the proposed side walls of the dwelling would be set off some distance from the side walls of neighbouring properties, it is considered that the proposal would not appear overly large in the locality, or appear to over-dominate the neighbouring properties. The set back of the dwelling into the site will also reduce the prominence of this proposed dwelling.

Whilst the dwelling is quite wide and deep, there are other dwellings within the immediate vicinity which have sizeable footprints, including the next door neighbour to the west (No.261 Birkby Road). The dwelling would also benefit from a simple rectangular form, which would help to reduce its overall bulk. Further to this, given that it is set on a generously sized plot, and its side walls

would be set off from neighbouring properties, Officers hold the view that it would not appear cramped on the site. The scale and form of the dwelling are therefore considered to be acceptable from a visual amenity perspective.

Moving on to appearance, dwellings on Birkby Road are constructed from a variety of materials including stone walls. The application proposes stone walls under a slate roof, and such materials are considered acceptable in this location in principle. Further details of the materials can be conditioned so as to ensure a high-quality finish. The single storey portico to the front of the dwelling is considered to be a relatively minor feature that would not appear as a jarring element on the proposed dwelling.

It should be noted that whilst a detached double garage was proposed to the front of the site, this has been removed from the proposal. In addition to concerns about the impact upon protected trees, Officers considered that this element would have appeared as a dominant feature within the street scene. An integral garage is now proposed which is considered acceptable.

The details of the hard landscaping appear acceptable in principle and further details of this could be conditioned, along with details of boundary treatments, should permission be granted so as to achieve a high standard of development. It is noted that a third party has noted that any additional means of enclosure at the site should be controlled (i.e. that permitted development rights for means of enclosures are removed). However, this is not considered reasonable or necessary given that the site already accommodates a dwelling, permitted development rights for means of enclosure have not been removed at the site and the proposed dwelling would be sited in a similar position to the existing dwelling.

Whilst a relatively large dwelling, given the above, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook*

and to avoid overlooking." The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The properties mostly likely to be affected by the proposed development are considered to be No's.257 and 261 Birkby Road. The impact upon these properties will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of properties to the rear of the site, the proposed dwelling would be ~21 metres from the rear boundary of the site, and ~36 metres away from the nearest dwelling beyond the rear boundary, this being No.10 Inglewood Avenue.

It is noted that there is a dwelling beyond the rear wall of the proposed dwelling, but located to the side of the site (No.12 Inglewood Avenue), However, given the set off of this neighbouring dwelling from the shared side boundary, and the oblique angle of No.12 to the proposed dwelling as well as the separation distance between the dwellings, (~20.5 metres), it is considered that the proposal would prevent undue harm to the amenities of this property in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

No.257 Birkby Road

No.257 Birkby Road is next door to the application site, to the east, and is single storey in height. The proposed dwelling would protrude beyond both the front and rear walls of the neighbouring dwelling, but by virtue of its set off from the shared boundary (by ~3 metres), it would not breach a 45 degree line when measured from the nearest rear and front facing windows of No.257 to the site. There are also no side windows within No.257 facing the site. Given the above, the set off of the proposed building from the side boundary and that it would not protrude far beyond the rear wall of No.257, it is considered that the proposal would not cause undue harm to No.257 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

It is considered that rear windows beyond ground floor height in the proposed dwelling would not achieve significantly different views to the rear facing first floor windows of the existing dwelling at the site, these being oblique views over the garden of No.257. A side window is proposed at first floor level, but

as this serves a bathroom, it is considered that this can be conditioned as obscurely glazed and fixed shut so as to prevent clear views over the rear garden of No.257. Given the above, it is considered that the proposal would prevent undue harm to No.257 in terms of loss of privacy or overlooking.

No. 261 Birkby Road

No.261 Birkby Road is next door to the application site, to the west, and is a part single storey part two storey dwelling of complex form with a two storey element protruding to the front of the dwelling. The dwelling is on higher land to the application site. The proposed dwelling would not protrude beyond the front wall of the nearest part of No.261 by much, but would protrude beyond the rear wall of the nearest part of No.261 by approximately 6 metres. However, by virtue of its set off from the shared boundary (by ~3.9 metres), as well as the dwelling at No.261 being set off this shared boundary, the proposed dwelling would not breach a 45 degree line when measured from the nearest rear facing windows of No.261 to the site. There are no side windows within No.261 facing the site within the closest side wall of this dwelling to the site. Whilst there are first floor side windows facing the site further along the dwelling, these would be ~19 metres away from the proposed dwelling and would be on a dwelling on higher land to the proposed dwelling. Given the above, the set off of the proposed building from the side boundary and the change in land levels, it is considered that the proposal would not cause undue harm to No.261 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

It is considered that rear windows beyond ground floor height in the proposed dwelling would not achieve significantly different views to the rear facing first floor windows of the existing dwelling at the site. Of note, there is high vegetation on the shared boundary at the moment too. A side window is proposed at first floor level, but as this serves a bathroom, it is considered that this can be conditioned as obscurely glazed and fixed shut so as to prevent clear views over the rear garden of No.261 and side windows of No.261. Given the above, it is considered that the proposal would prevent undue harm to No.261 in terms of loss of privacy or overlooking.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed rear garden is considered to be a good size for a dwelling of this scale.

Subject to a condition, the proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

A 5 bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 3 on-site spaces are required for dwellings with 4 or more bedrooms.

An integral double garage is proposed along with space for two more vehicles to park at the front of the garage, therefore Officers and KC Highways Development Management (HDM) are satisfied sufficient on-site parking has been proposed for such a development. KC HDM are also satisfied that there is acceptable space for turning on the site so as to leave in a forward gear, but note that the spaces on the driveway will not be able to utilise any of the turning space. That said KC HDM go onto note that given that a precedent has been established for the reverse to park manoeuvre by the adjacent dwellings on Birkby Road, they have no objections to this.

The access is to remain, but the driveway is to be widened. Details of the surfacing of this can be conditioned.

There is considered to be sufficient space for bin storage on the site, and waste collection is to remain unaltered.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Trees
Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for development which directly or indirectly threaten trees

or woodlands of significant amenity. The policy goes onto note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

The property contains a number of mature trees which are considered to be of significant amenity value, and positively contribute towards the character of the area by being so visible from Birkby Road. KC Trees note that the retention of the mature trees on the site frontage should be a requirement.

In terms of the initial scheme, KC Trees were significantly concerned that this would have placed pressure on the protected trees to the front of the site, and it also required the removal of one mature tree. The layout displayed a detached garage cutting into the raised ground around the existing trees and KC Trees stated that this would likely result in substantial harm to the tree roots of retained trees both on the site and immediate adjacent. KC Trees noted that the raised ground to the front of the property should be retained to ensure tree roots of the mature trees are not harmed. In addition, no tree information had been alongside the application.

After the submission of amended plans and despite the removal of the detached garage from the scheme, the concerns of KC Trees were not fully addressed, that is tree information was not submitted and the proposal to remove the garden retaining wall and soil adjacent to the trees to facilitate a car turning area formed part of the submission.

Following this, a revised layout plan was submitted along with further arboricultural information. This included removing part of the proposal to extend the hardstanding area to the front of the proposed dwelling. KC Trees noted that this revised scheme was an enhanced one with regards to trees. In addition, KC Trees noted that the Arboricultural Impact Assessment gives assurance that the constraints of the valuable trees have been taken into account meaning that they can be successfully retained in the future use of the site. KC Trees have therefore noted that they have no objections to the proposal subject to protective fencing being erected around all protected trees on the site. This can be conditioned should permission be granted.

Ecology

The site consists of a two storey dwelling with an area of hardstanding and managed lawn around it. Whilst it is proposed to demolish the existing building, it is considered that this building is likely to have low potential for protected species given its relatively modern construction. It is therefore considered that the proposal is unlikely to cause harm to protected species.

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the proposed dwelling are to be recommended as a condition should permission be granted.

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

Due to the nature of the scheme, this being a proposal providing one new residential unit within the site, it is considered that one electric vehicle charging point for this dwelling should be provided to aid in the contribution to climate change. This matter could be conditioned should planning permission be granted.

Contamination
The site is not identified as being on potentially contaminated, but a condition relating to the discovery of unexpected contamination could be conditioned should permission be granted.

Construction
The Council's Environmental Health Officer has requested that construction site working times are conditioned. It is also noted that a third party has raised concerns in relation to nuisance to neighbouring properties from construction activities. Construction practices are covered by other regulations and it is not considered necessary or reasonable to attach a condition regarding site working times, but an informative regarding construction practices can be attached instead if permission is granted.

6 – Representations:

3 representations have been received overall a result of the above publicity. The majority of comments raised are addressed in the above assessment. Any other comments will be discussed below:

Third Party Comment: Unsustainable to demolish a relatively modern house.
Officer Response: Whilst this is acknowledged, the Local Plan contains no policy to restrict the replacement of dwellings.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2021/93093
Officer Recommendation: Approve
Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to construction of dwelling hereby approved above slab level, details of all the external facing and roofing materials of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the first occupation of the dwelling hereby approved, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- Details of boundary enclosures, including location, heights and materials; and
- Details of pavements, pedestrian accesses and steps.

Thereafter, and prior to the first occupation of the dwelling hereby approved, the development shall be constructed in accordance with the approved details and retained thereafter.
Reason: In the interests of visual amenity and residential amenity, and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and turning areas on Drawing No. TR-A21-0604-002 Revision F are 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 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) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

6. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. 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: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

7. A bat box and a bird box (one of each) shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders SPD and Chapter 15 of the National Planning Policy Framework.

8. Prior to the commencement of development, protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees on the site, to be positioned in line with the existing retaining wall around the protected trees, except where the wall is to be moved due to the widening of the driveway hereby approved and in this case fencing shall be positioned in line with the western edge of the extended driveway. The fencing shall remain in place throughout the construction phase and only be removed once construction is complete.
Reason: So as to protect to viability of the protected mature trees within close proximity to the application site, in the interests of visual amenity and to accord with Policies LP24 and LP33 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been

submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Prior to the first occupation of the dwelling hereby approved, all first floor side facing windows in the dwelling shall be fixed shut, unless parts of the windows which can be opened are more than 1.7 metres above the first floor level, and obscurely glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders SPD and Chapter 12 of the National Planning Policy Framework.

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

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by

carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2)* June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Application Form	-	-	3rd August 2021
Existing Layout Plan	TR-A21-0604-001	C	11th November 2021
Proposed Site Plan and Ground Floor Plan	TR-A21-0604-002	F	11th November 2021
Existing Elevations	TR-A21-0604-002	C	23rd August 2021
Proposed Front and Rear Elevations	TR-A21-0604-004	E	1st October 2021
Proposed Side Elevations	TR-A21-0604-005	E	1st October 2021
Proposed First and Second Floor Plan	TR-A21-0604-003	E	1st October 2021
Proposed 3D Plan	TR-A21-0604-001	E	1st October 2021
Tree Constraints Plan by JCA Ltd Arboricultural & Ecological Consultants	Appendix 6	-	11th November 2021

Arboricultural Impact Assessment by JCA Ltd Arboricultural & Ecological Consultants	17724-A/AJB	-	11th November 2021
Arboricultural Report by JCA Ltd Arboricultural & Ecological Consultants	17724/AJB	-	11th November 2021

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.

Officers raised concerns with the applicant's agent regarding the proposal, in relation to the harm of the proposal upon the character and appearance of the locality, highways safety and protected trees. The applicant's agent was offered the opportunity to provide amended plans and additional information, and following a number of revisions to the proposal and further details, the concerns of Officers were addressed.

Report Dated: 03.02.2022