

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS -
REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL
REGULATIONS 1992 (AS AMENDED)**

Reference No: **2021/48/93237/E**

Site Address: land off, Knowl Grove, Mirfield, WF14 9RF

Description: Demolition of garages and erection of 8 flats

Recommending Officer: Liz Chippendale

DECISION – GRANT UNDER GENERAL REGULATION 3

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Feb-2023

Site Description

The application site measures 1,430 sqm and holds 23 garages in a U shape within the site accessed via Knowl Grove. The site is set within a predominantly residential area with residential dwellings to the North, South and West. To the North, West and South are bungalows and two storey semi-detached dwellings to the South East along Knowl Road.

The application site is on land without notation in the Kirklees Local Plan.

Description of Proposal

The application is sought for the demolition of the existing garages and the erection of 8 no. flats.

The proposed 1 bedroom cottage flats are proposed facing North West on to Knowl Grove with access road as existing with 8 parking spaces provided within the site.

The proposed cottage flats will each be accessed via a covered entrance door within the North West elevation. This same elevation will hold slim rectangular windows at both first and ground floor with sheltered bike storage.

Each of the ground floor flats will have direct access via patio doors to the shared garden. 3 no. of the first floor flats will have a proposed Juliet balcony to the rear.

To the rear of the units is a proposed shared communal garden accessed via the ground floor flats and a gateway to the North East and South West. To the North of the proposed dwellings will be left as amenity grass as existing.

History of negotiations/amendments received

The applicant entered into the following negotiations/amendments throughout the course of the application:

- Amended design submitted following concern from Officers of the visual impact of the proposed 3 storey element of the scheme. This element was removed.
- Amended position of the dwellings submitted following concern of the impact on residential amenity of the adjacent bungalow at Scarboro Mews. The proposed units were moved 8.5m away from the shared boundary which is considered acceptable.

Relevant Planning History (including enforcement history)

2020/20048 Pre-application advice for the erection of 3 dwellings
Positive advice given

Representations

The application was advertised via neighbour letter. Following the submission of amended plans, the development was re-advertised for a period of 14 days. The comments received for both periods of public consultation are as below.

Seven representations were received following the initial period of public consultation. A summary of the comments is as follows:

- The garages are fit for purpose and have been used by residents for many years
- An increase in dwellings will lead to highway safety issues on Knowl Grove
- Impact on residential amenity of neighbouring dwellings
- The proposal is not in keeping with the surrounding area
- The site does not offer an ample amount of parking
- Impact on access for emergency services
- Noise, dust and traffic created by the construction phase
- The demolition of the garages would be a loss of a valued local facility
- The application was not advertised by site notice

One representation was received following the re-advertisement of the amended plans. A summary of the comments is as follows:

- Although the dwellings are moved away from Scarborough Meadows, there will still be an impact on the bungalows due to the height.
- The two storey development is not in keeping with the neighbouring bungalows
- Inadequate off-street parking
- 22 vehicles will be displaced due to the loss of the garages
- The plans should be rejected, and the garages retained
- The plans do not fully detail the off-site infrastructure. Scarborough Meadows is a private road and cannot be disturbed without permission.

Consultation Responses

Statutory:

K C Highways Development Management – *No objection subject to condition*

LLFA – *No objection subject to condition*

Non-Statutory:

K C Environmental Health – *No objection subject to condition*

Yorkshire Water – *No objection subject to condition*

K C Biodiversity – *No objection subject to 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).

Kirklees Council has adopted supplementary planning guidance on house building which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, with the general thrust of the advice aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). The SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing.

On 12/11/2019, 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 pre-dates 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

The site is Unallocated land on the Kirklees Local Plan.

Kirklees Local Plan 2019 (LP):

- LP1 – Presumption In favour of sustainable development
- LP 2 – Place Shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing mix and affordable housing
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP30 – Ecology and Geodiversity
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance/Documents

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highways Design Guide SPD
- Housebuilders Design Guide SPD

- Planning Practice Guidance

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 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Summary of Main issues

- The principle of development
- Urban design issues
- Residential amenity and quality
- Sustainability and climate change
- Highways and transport
- Representations
- Other matters

Assessment

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.

Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise

The Local Plan sets out a minimum housing requirement of 31,140 homes to be provided between 2013 and 2031 to meet identified needs. Policy LP7 of the Kirklees Local Plan and Design Principle 4 of the Housebuilders Design Guide SPD states that net development is expected to achieve at least 35 dwellings per hectare. The calculated optimum density equates to 5 dwellings. As the site is unallocated and not allocated for housing and the proposal is for 8 affordable flats, officers would not oppose the proposed density.

The application site holds 23 garages, of which 5 are currently subject to a licence agreement by residents who live close enough to the site to be convenient to park a vehicle there (Knowl Grove or Scarboro Meadows). It is therefore considered that the remaining garages would likely be used for storage purposes for licensees who do not live within the immediate vicinity of the site.

The existing garages are not visually appealing nor are they considered safe due to the 'U' shape formation creating blind spots away from the highway. Although the loss of the garages would generate a minor increase in vehicles parking on the highway, the loss of the garages which are mostly used for storage would be outweighed by the creation of 8 no. affordable homes on the site.

The application site is unallocated within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Urban Design issues

Policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile not preventing or discouraging appropriate innovation or change (para.130 of the NPPF).

The site is bordered by residential development to all boundaries, with immediate dwellings to the South East consisting of two storey semi-detached dwellings. The proposed cottage flats are considered appropriate in scale and design. The proposed mirror the scale and height of neighbouring dwellings. It is considered that due to the proposed location of the dwellings set down from Knowl Road and a higher land level than dwellings on Scarboro Meadows (above roof level) and located at an appropriate distance from the bungalow to the North, the proposed 2 storey height is acceptable.

The proposed location of the flats relates well to the existing land levels leaving the slightly sloped area for public open space (POS). Although the proposed

parking is to the frontage of the dwellings, as this is a former car park which is set away from the highway, the proposed parking is considered to be acceptable. The small areas of landscaping between dwellings and to the East and West softens the appearance of this area. The trees along the boundary with Knowl Road will be retained.

The proposed car parking to the entrance of the site is on balance, considered acceptable. The car park is small in scale and is softened by open space to the East and the use of a shared surface with landscaping to Knowl Grove.

The proposed use of facing materials of red brick may be acceptable to remain in keeping with surrounding dwellings. A condition will be added for the submission of details of facing and roofing to be approved in writing by the LPA. The proposed boundary treatments as set out on plan reference KG-BTP-00-B-DR-A-3782_103.3 Rev 4 are considered to be acceptable. The plan shows 1.8m timber hit and miss fences to rear communal gardens with the retention of the existing garage wall to the Southern boundary to be retained (depending on survey of any strengthening works). The northern boundary around the POS area will remain open with a red brick wall to the East of the dwellings.

The proposed development is considered to be in compliance with Policy LP24 of the Kirklees Local Plan; Principle 2 of the Housebuilder SPD and guidance within the NPPF

Impact on residential amenity

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The closest residential dwellings to the application site include 83 Knowl Road; 1 Scarboro Meadows and 41 Knowl Grove.

83 Knowl Road is a two storey, semi-detached dwelling set to the South East of the application site. There is a proposed distance of 15m between the neighbouring dwelling and the rear elevation of the proposed development which hold habitable room windows. There are no habitable room windows within the West elevation of 83 Knowl Road, as such the separation distance meets with the requirements within the Housebuilders Design Guide SPD. The habitable room windows of the southern plots have a separation distance of 11m to the shared boundary. Although this distance is slightly short, as the windows look onto the end of the garden which is away from the rear elevation and screened by an existing garage and boundary fencing, the separation distance is on balance, considered to be acceptable.

1 Scarboro Meadows is a detached single storey bungalow which is set at a lower land level to the South West with a separation distance of 12.5m. The neighbouring dwelling has no windows within the rear roof form. The proposed dwelling will be set away from the boundary wall by 8.5m and screened by planting. Due to the orientation of the buildings, there would be no overshadowing caused by the proposed dwellings.

41 Knowl Road is a single storey bungalow set to the North of the site and divided by proposed green space which will be retained at a distance of 16.5m from the proposed dwellings at an acute angle with no potential for overlooking of habitable room windows. Due to the significant separation distance and difference in land levels, there would be no considered impact on residential amenity.

Each of the proposed flats has access to the generous communal gardens to the rear and the public open space to the North.

The proposed dwellings have a proposed internal space which exceeds the National Space Standards of 50 sqm as set out in Principle 16 of the Housebuilders Design Guide SPD.

To ensure that any disruption to existing residents throughout the construction phase is minimised, a condition will be added for the submission of a Construction Environmental Management Plan which will detail the management of the development phase of the site.

In summary, subject to the submission of construction management plan, there is considered to be no significant detrimental impact on the residential amenity of existing and new residents. As such, the application is considered to comply with Policies LP1, LP24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the NPPF

Impact on highway safety

The NPPF states that all new development should be assessed in terms of their impact on the existing transport infrastructure, impacts on the safety of users and the impact if encouraging sustainable transport modes. Kirklees Local Plan policy 21 sets out the matters against which new development will be assessed in terms of highway safety.

The application is submitted for the erection of 8 1 bedroom cottage flats with access from Knowl Grove. Each of the proposed dwellings will have 1 no. off street parking space.

The existing garages are below the modern standards for residential garages. However, measuring 5m x 2.7m they are still adequate to accommodate a car and therefore could be used for parking.

The displacement of parking from the garages is a consideration as Knowl Grove as Kirklees highway safety has received complaints about anti-social parking in the past. The submitted design and access statement states that only 5 of the current garages are residents in either Knowl Grove or Scarboro Meadows, however this does mean that there would be an intensification of parking on Knowl Grove. It is therefore considered that the remaining garages would likely be used for storage purposes for licensees who do not live within the immediate vicinity of the site.

The layout of the parking area does not meet the required distance for manoeuvring space. Although not making it impossible to turn, the parking may be harder due to the width of the parking spaces. Parking spaces 7 and 8 do not appear to have space and so may require drivers to reverse into the spots. Although this is not severe, it may cause a reluctance from drivers to park in the spaces.

The proposed location and layout of the bin store is shown on plan 105 Rev 9 and is considered to be acceptable.

Due to the parking issues mentioned, the proposal is considered to be, on balance, in compliance with policies LP21, LP22 and LP24 of The Kirklees Local Plan, Chapter 12 of the NPPF as well as the Highways Design Guide SPD.

Contaminated Land

The application is supported by a Phase I GeoEnvironmental Desk Study report (by Earth Environmental and Geotechnical dated November 2020 Ref: A3800/20). The report identifies risk from made ground and asbestos associated with the former and present structures. There is also an identified risk from contaminants associated with the sites historical use as a tan house. Officers concur that an investigation is necessary because of the possible source-pathway-receptor linkages from contaminated land associated with the past land use. As such, contaminated land conditions will be added.

Climate Emergency

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the NPPF and Air Quality and Emissions Technical Planning Guidance. A condition will be added to secure the details of proposed charging points on the site.

Biodiversity and Trees

The application site is within close proximity to the bat alert area on the Council's mapping system and potential bat roosts. As such, a condition will be added to secure ecological surveys to investigate the suitability of the site for bat roosts. This is a pre-commencement condition to ensure the safety and protection of any potential bat roosts on the site.

Drainage

The application site slopes from North to South. There is a culverted watercourse crossing the site to the North west. The site is within Flood Zone 1 according to the EA flood map for planning.

A condition will be added for the submission of a detailed design scheme detailing foul, surface water and land drainage, including the agreed discharge rate of 5.7 l/s.

A condition will be required for the submission of a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project including the location of attenuation storage.

Details of the operation, maintenance and management of the surface water drainage infrastructure will be conditioned.

Representations

Seven representations were received following the initial period of public consultation. The comments are addressed below:

- The garages are fit for purpose and have been used by residents for many years

- Response** – The data submitted by the applicant shows that the garages are used by only 5 local residents as explained within the ‘Principle of Development’ section of the report
- An increase in dwellings will lead to highway safety issues on Knowl Grove

Response – The impact of the proposed development on highway safety is detailed in the above report.
- Impact on residential amenity of neighbouring dwellings

Response – The impact of the proposed development on residential amenity is detailed in the above report
- The proposal is not in keeping with the surrounding area

Response – The proposed development is considered to be acceptable with regards to scale, density and design as detailed in the above report.
- The site does not offer an ample amount of parking

Response – The proposed on-site parking is considered to be acceptable as detailed within the above report
- Impact on access for emergency services

Response – The proposed development would potentially displace 5 vehicles on to the highway which is considered to be, on balance, acceptable on the local highway network.
- Noise, dust and traffic created by the construction phase

Response – A condition will be added to a permission for the submission of a construction management plan which will detail aspects such as noise, dust and construction traffic.
- The demolition of the garages would be a loss of a valued local facility

Response - The data submitted by the applicant shows that the garages are used by only 5 local residents as explained within the principal of development section of the report
- The application was not advertised by site notice

Response – The proposed development was advertised by neighbour notification letter. This is in accordance with statutory requirements.

One representation was received following the re-advertisement of amended plans. The comments are addressed as follows:

- Although the dwellings are moved away from Scarboro Meadows, there will still be an impact on the bungalows due to the height.

Response - The impact of the proposed development on residential amenity is detailed in the above report
- The two storey development is not in keeping with the neighbouring bungalows

Response – The impact of the development on the visual amenity of the street scene is addressed in the above report.
- Inadequate off-street parking

Response – The proposed on-site parking is considered to be acceptable as detailed within the above report
- 22 vehicles will be displaced due to the loss of the garages

Response – The proposed development would potentially displace 5 vehicles on to the highway which is considered to be, on balance, acceptable on the local highway network.

- The plans should be rejected, and the garages retained. The plans do not fully detail the off-site infrastructure. Scarboro Meadows is a private road and cannot be disturbed without permission.

Response - The data submitted by the applicant shows that the garages are used by only 5 local residents as explained within the principal of development section of the report

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. For the reasons set out in the above report, it is considered that the development would constitute sustainable development and the application is therefore recommended for approval.

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93237

Officer Recommendation: Conditional full permission

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwellings hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

4. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output –

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space.
- One standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings.

Buildings and parking spaces that are to be provided with charging points shall be brought into use until the charging points installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework and key principles of the Housebuilders Design Guide SPD.

5. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive site Investigation Report by a suitably competent person has been submitted 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 NPPF. This is a pre-commencement condition to ensure that investigations are carried out within an appropriate timeframe.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the 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 NPPF. This is a pre-commencement condition to ensure that investigations are carried out within an appropriate timeframe.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered 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. 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 NPPF.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person 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 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 have been approved in writing by the LPA.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs nos. 178 and 179 of the NPPF.

9. No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- a. Timetable of all works;
- b. Vehicle sizes and routes, times of vehicle movements, identify the location of HGV waiting areas and include details of management of said areas;
- c. The parking of vehicles of site operatives and visitors;
- d. Details and location of signage;
- e. Loading and unloading of plant and materials;
- f. Storage of plant and materials used in constructing the development;
- g. Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- h. Measures to control and monitor the emission of dust and dirt during construction;
- i. A Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- j. Mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
- k. Artificial lighting used in connection with all construction related activities and security of the construction site;
- l. Site manager and resident liaison officer contact details (including their remit and responsibilities); and
- m. Details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the LPA.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP24 of the Kirklees Local Plan. This is a pre-commencement condition due to the nature of the information required prior to construction work commencing.

10. No development shall take place (including demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate the sites suitability for bats has been undertaken and used to prepare a report suitable for application, which shall be submitted to and approved in writing by the Local Planning Authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: This is a pre commencement condition to ensure that the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017 and to conserve biodiversity in accordance with the aims of the NPPF and LP35 of the Kirklees Local Plan.

11. Where the survey approved pursuant to condition 10 confirms the presence of bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

- a) Purpose and objective for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including where relevant, type and source of materials to be used);
- c) Extent and location of proposed works shown on appropriate scale map and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Person responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant); the works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: This is a pre commencement condition to ensure that the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017 and to conserve biodiversity in accordance with the aims of the NPPF and LP35 of the Kirklees Local Plan.

12. Where the survey approved pursuant to condition 10 confirms the presence of bat roost(s), no development shall take place until the Local Planning Authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
- b) Written confirmation of Site Registration under the Low Impact Bat Class Licence;
- c) A statement in writing from the relevant licensing body to effect that it does not consider that the specified activity/development will require a licence.

Reason: This is a pre commencement condition to ensure that the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017 and to conserve biodiversity in accordance with the aims of the NPPF and LP35 of the Kirklees Local Plan.

13. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including the agreed discharge rate of 5.7 l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100

+ climate change rainfall event, attenuation construction details/design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that a suitable drainage scheme can be incorporated into the development.

14. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, lockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that a suitable drainage scheme can be incorporated into the development.

15. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site drainage rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phasing of the development shall be commenced until the temporary works approved for that phase have been completed. The approved drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the LPA.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that an adequate temporary drainage scheme can be incorporated for the construction phase.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy LP28 of the Kirklees Local Plan.

17. No piped discharge or surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the LPA.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy LP28 of the Kirklees Local Plan.

18. The approved boundary treatments as shown on plan KG-BTP-00-B-DR-A-37682_103.3 Rev 4 shall be installed before first occupation and shall be so retained thereafter.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

19. The approved bin storage and collection points as shown on plan KG-BTP-00-B-DR-A-37682_103.3 Rev 4 shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.

20. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with Communities and Local Government' and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies LP21, LP24 and LP28 of the Kirklees Local Plan.

21. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or removed, it shall be replaced with others of similar size and species unless the LPA gives its written consent to any.

Response: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Local Plan Policies LP24, LP30 and LP33. This is a pre-commencement condition to ensure that a suitable landscaping scheme can be incorporated into the development

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 (Kirklees Street Scene: 01484 221000) regarding 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: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

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: 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 notice served using the above-mentioned

legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (**parking areas**)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
1B2P proposed elevations	KL-BTP-01-E-DR-A-3782_110.4	4	17.08.2021
Proposed street elevations	KG-BTP-00-E-DR-A-3782_107.3	3	23.01.2023
Location plan	KG-BTP-00-LP-DR-A-3782_100	2	17.08.2021
1B2P proposed floorplans	KL-BTP-01-ZZ-DR-A-3782_109.4	4	17.08.2021
1B2P Proposed floorplans	KL-BTP-01-ZZ-DR-A-3782_129	-	17.08.2021
1B2P proposed elevations	KL-BTP-01-E-DR-A-3782_130	-	17.08.2021
Design and Access Statement	-	-	17.08.2021
Yorkshire Water infra plan	-	-	17.08.2021
Manhole Survey card by Unity Service Group	-	-	17.08.2021
UCML Utility Study Level 1 by UCML dated 18.12.2020	-	-	17.08.2021
Proposed Boundary treatment plan	KG-BTP-00-B-DR-A-3782_103.4	4	23.01.2023

Plan Type	Reference	Version	Date Received
Proposed site clearance plan	KG-BTP-00-SP-DR-A-3782_102.1	1	17.08.2021
Existing site plan	KG-BTP-00-SP-DR-A-3782_101.1	1	17.08.2021
GroEnvironmental Desk Study by Earth Environmental & Geotechnical November 2020	A3800/20	-	17.08.2021
Proposed site plan	KG-BTP-00-SP-DR-A-3782_105.15	15	10.01.2023
Drainage design information by WML Consulting September 2021	9738/DDI/02	-	01.10.2021
Structure report by Unity Service group dated 20.04.2021	-	-	01.10.2021

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 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. Prior to the submission of this planning application, the applicant sought formal pre-application advise. During the course of the application, the applicant submitted additional drainage information as requested by officers which was considered to be acceptable. The applicant also submitted amended plans following concerns of the impact on residential amenity of neighbouring properties.

Date: 09.02.2023

