

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:	2021/62/94125/W
Site Address:	4, Spring Dale, Honley, Holmfirth, HD9 6DA
Description:	Demolition of existing porch and erection of oak framed porch, single storey rear extension with externally accessed garden storage area and terrace above, raised terrace and detached garden office building (within a Conservation Area)
Recommending Officer:	Ellie Worth

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 13-Jun-2022

Officer report

Site description

4 Spring Dale, Honley is a detached, two storey stone built dwelling with a tiled roof. The property benefits from a driveway to the front and a wrap around garden to the sides and rear. Due to the changes in topography within the wider area, land levels fall significantly within the site from South (front) to North (rear). Spring Dale, is an unadopted access road, accessed off Greenway to the south east. To the rear of the site is Green Cliff. Boundary treatment consists of post and rail fences to the side and a retaining wall to the rear.

Surrounding the site is predominantly residential in character, whereby the dwellings appear to vary in design and form. Nonetheless, the common construction material appears to be stone. The site is situated within Honley Conservation Area.

Description of development

The proposal is seeking permission for the demolition of the existing porch, erection of oak framed porch, single storey rear extension with externally accessed garage storage area with terrace above, raised terrace and detached outbuilding (garden room/office). The measurements of the proposal are as follows:

Front porch:

- 3.1m in width
- 1.5m in projection
- 3.3m in overall height

Rear extension (with balcony above):

- 3.5m in projection
- 8.8m in width
- 4.8m in height; 5.6m including the glass balustrade to first floor terrace

Raised terrace:

- 1.5m in projection
- 2m in maximum height (due to change in levels); 3m including glass balustrade to terrace
- 11.3m in width (including steps)

Detached outbuilding (home working/garden room):

- 5m in width
- 5m in depth
- 2.5m in overall height

The extension and raised terrace would be constructed from natural stone to match the materials used on the host property. The windows would be finished in a grey UPVC and the existing would also be changed to match.

The garden room would be finished in a timber. This aspect is likely to fall under the remit of permitted development and therefore is unlikely to require formal planning permission.

The installation of a first floor opening within the front elevation and two ground floor windows within the western facing side elevation at ground floor are also proposed. These are likely to fall under the remit of permitted development, without acquiring formal planning permission.

History of negotiations/amendments received

Concerns have been raised regarding the siting and design of the outbuilding proposed. However, the agent has outlined that this is likely to conform with permitted development rights. As such, a balanced decision has been taken, with additional details being provided in relation to the impact in which the outbuilding may have on the adjacent trees. As such, an updated site and floor plan has been sought to detail the foundations for the garden pod. This was received on 3rd May 2022.

Relevant Planning History

At the application site:

None at the application site.

Representations

The application has been advertised via site notice, neighbour notification letters and press advert.

Final publicity expires: 13th December 2021.

As a result of the above publicity, no representations have been received.

Whilst additional plans were submitted during the processing of this application, these did not materially change what was initially proposed therefore it was not considered necessary to re-consult.

Holme Valley Parish Council: In support of the development.

Consultations responses

KC Trees (informal): No objection to the proposal.

Policy

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

The site is situated within Honley Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety

- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and unstable land

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The policies most relevant in this case are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 3 – Conserving and Enhancing Local Heritage Assets
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 6 – Honley Village Centre

The key landscape characteristics of the area are stated to be:

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

The key built characteristics of the area are stated to be:

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

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 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Documents (SPD)

- House Extensions and Alterations SPD (2021)
- Highways Design Guide (2019)

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity (including impact on historic environment)
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is located within Honley Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Kirklees Local Plan (KLP) and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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

As such, the principle of development has been considered acceptable, subject to an assessment upon visual and residential amenity, highway safety and all other material planning considerations below.

2. Impact on visual amenity and heritage

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within Policy LP24(c) that these *“are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”*.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that: *“the creation of high quality buildings and places are 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”*.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 - that *“extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”*
- Principle 2 - that *“extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”*

In this case, officers consider the development to appear subordinate to the host dwelling, as the extensions and outbuilding would be of an appropriate size and scale, when taking into account the challenging topography. The raised patio would also provide additional levelled outdoor seating for the dwelling.

In light of the above, there would be ample of amenity space retained as part of this proposal and therefore the development would not result in the overdevelopment of the site.

Single storey rear extension:

Paragraph 5.5 of the House Extensions and Alterations SPD sets out that *“single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours”*.

Furthermore, paragraph 5.6 of this SPD states that single storey extensions should:

- *“be in keeping with the scale and style of the original house;*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;*
- *and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.”*

In this instance, the built form would be somewhat in keeping with the original house, with the flat roof also helping to reduce some of the bulk and massing. In terms of built form, the extension would have a projection of 3.5m and an overall height of 4.8m excluding the first floor terrace. The works would also be inset from any side boundary by more than 1m. The extension would not protrude beyond the side walls of the dwelling. For these reasons, the single storey development would broadly accord with the guidelines within the aforementioned SPD.

Alongside the above, Policy 1 of the Holme Valley Neighbourhood Development Plan states that: *“views across the Valley must be considered, including from other areas looking towards the development scheme and proposals should pay particular regard to any long-distance visual impacts on approaches to settlements, and along through routes”*. In this case, it has been noted that the works would be widely visible from public vantage points, particularly Green Cliff, due to the significant changes in levels. However, the development would be in keeping with the existing built form, being a relatively modest scale and with matching materials, and therefore any impact would not be undue.

As outlined above, the materials to the extension would be stonework to match the host dwelling. The fenestration would also be in keeping with those that exists, as all the windows throughout the house will be changed and fitted in a grey UPVC. This will be discussed in more detail below.

First floor terrace

Paragraph 5.28 of the House Extensions and Alterations SPD states that: *“Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:*

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.*
- *Sited away from locations that are sensitive to additional noise levels or disruption.”*

The terrace above part of the extension has also been considered acceptable from a visual perspective, given the changes in topography and the views over

the valley. The requirements of the SPD listed below relate to residential amenity which will be discussed further below.

Raised patio/terrace

With regards to the raised patio, this would provide a levelled seating area from the extension. This is due to the significant change in levels. Therefore, given that this aspect would be set back from the road side and is likely to be obscured by the existing planting, no concern has been raised from a visual amenity perspective.

External alterations

The plans show the installation of a new first floor front window and two ground floor side openings within the western facing elevation of the host property. Whilst some concern is raised regarding the length of the front window, such works are likely to constitute to permitted development and therefore would not require formal planning permission.

The plans and application form also detail that the applicant is looking to change the colour on all the windows from white UPVC to grey UPVC. Whilst there may be some impact upon the amenity of the site and the wider area, it has been noted that the surrounding dwellings differ in their window finish, as some of the properties directly adjacent to the site benefit from timber window frames. As such, on balance, any impact would not be undue.

Detached garden/office building

Paragraph 5.29 of the House Extensions and Alterations SPD outlines that outbuildings such as garden offices, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.

More specifically paragraph 5.30 of the SPD states that outbuildings should normally:

- *“be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;*
- *be set back behind the building line of the original building so that they do not impact on the street scene; and*
- *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”*

In this case, concern has been raised regarding the location of the outbuilding, given the significant changes in levels within the site. However, the agent has confirmed that the works would fall under the remit of permitted development and whilst a certificate has not been submitted to establish that, officers consider this to be reasonable.

Furthermore, the outbuilding would be set back behind the building line and therefore would not appear overly prominent from Spring Dale. However, as outlined above, given the topography, it would be somewhat visible from Green

Cliff. Nonetheless, given the discreet location within the north western corner of the plot, any visual impact would not be detrimental, especially with weight being afforded to the fall-back position (permitted development).

The outbuilding would also be constructed from timber. Such materials would complement its use and would help the building fit in with the surrounding open landscape. The large bi-folding doors would also face onto the host property. As such, this aspect can be supported, on balance, for the reasons highlighted above.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Honley Conservation Area. In this case, the site is within a predominantly residential area away from more traditional properties in the conservation area, and when considering this alongside the scale, design and materials of the works proposed, it is considered that the proposal would avoid harm to the significance of the heritage asset.

For these reasons, the proposed extensions, outbuilding and external alterations would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP, the aims of the House Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal’s impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

The impact of the development on each of the surrounding properties will be assessed in turn.

6 Spring Dale is the neighbouring property to the west of the application site. It has been noted that there would be no undue overbearing impact upon these neighbour's amenity, as a result of the bulk and massing proposed. This is due to a separation distance of approximately 6.7m being retained to the shared boundary, along with approximately 13m to these neighbours nearest facing side elevation (which is blank). With regards to overshadowing, these neighbours are situated to the west and therefore there would be some impact early to mid-morning, however, this would not be detrimental.

In terms to overlooking, at the time in which the site visit was undertaken, there did not appear to be any existing openings within no.6's eastern facing side elevation. Therefore, there is unlikely to be any direct overlooking from the balcony and terrace proposed. However, due to the orientation of the site and the change in levels, there may be some potential for greater overlooking into their private amenity space, therefore, officers consider it necessary to attach a condition to the decision notice to state that the first floor terrace and raised patio/terrace shall be erected with a 1.8m high privacy screen along the western elevation. This is considered reasonable, in line with Policy LP24 of the KLP and Principle 3 of the House Extensions and Alterations SPD.

There would also be no material impact upon these neighbour's amenity with regards to the front porch and external alterations proposed (change to the colour of the window frames). The new ground floor side openings within the host dwelling would also fall under the remit of permitted development.

Lastly, in terms of the proposed outbuilding, officers do not consider the development to have any material impact on these neighbour's amenity, as it would be nestled in the corner of the application site, adjacent to a cluster of trees within these neighbours garden. As such, any overbearing and overshadowing would be limited. The submitted plans also only show bi-folding doors to be inserted into the front elevation, which would have a direct outlook onto the application site.

For these reasons, the relationship between these neighbours can be supported.

2 Spring Dale is the neighbouring property to the East of the application site. These neighbours are situated approximately 13m from the dwelling at the site and are orientated further forward within their plot. As such, officers do not consider the scheme to give rise to any material impact upon their amenity, as the rear extension would be situated towards the opposite side of the rear elevation, along with the first floor and rear terrace. The garden pod/home working outbuilding, would also be situated to the North West of the site, retaining a significant separation distance to these neighbours. The front porch would also be limited in size and scale. As such, the development would not result in any undue overbearing, overshadowing or overlooking.

1 and 2 Greendale Court are the neighbouring properties to the North of the site. Whilst the development may be visible from these properties due to the change in topography, there would be no overbearing, overshadowing or overlooking as a substantial separation distance would be retained, including a highway.

Overall, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24(B) and (C) of the Kirklees Local Plan, Policy 2 of the HNVDP, Chapter 12 of the NPPF and the Principles of the Councils House Extension and Alterations SPD.

4. Impact on highway safety

In this instance, the development does not appear to intensify the domestic use at the site, as four bedrooms would be retained. As such, three on site parking spaces are appropriate for a dwelling of this size (with reference to the Highways Design Guide SPD), in which would be retained as part of this proposal. Waste storage arrangement would likely remain the same as existing.

For these reasons, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Policy 11 of the HNVDP, Principles 15 and 16 of the Kirklees Householder Extensions and Alterations SPD and the Highways Design Guide SPD.

5. Other matters

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.

In relation to climate change, Principles 8 to 11 of the Kirklees Householder Extensions and Alterations SPD set out guidance in relation to energy efficiency, construction materials, renewable energy and water retention.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extension would be constructed from natural stone, in which can be sought locally and easily recycled. The use of larger areas of glazing would also help aid passive solar gain and reduce the need for artificial light.

Bats

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area, with the main works being proposed a single storey. As such, the works would accord with the aims of Chapter 15 of the NPPF, Policy 13 of the HVNDP, and Policy LP30 of the Kirklees Local Plan and Principle 12 of the Kirklees Householder Extensions and Alterations SPD

Historic landfill buffer

The site is situated within a historic landfill buffer and therefore it has been considered necessary to attach a condition regarding the reporting of unexpected contamination in which has not be previously identified by the developer prior to the granting of this permission. This is in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Trees

Principle 13 of the House Extensions and Alterations SPD states that *"extensions and alterations should seek to retain existing vegetation and trees and enhance this provision through landscaping where possible"*.

In this case, the site is situated within Honley Conservation Area and therefore all trees are blanket protected. More specifically, the trees in which would be indirectly affected by the proposal are those within the garden of no. 6, of which sit close to the boundary with the application site. Therefore, KC Trees have been informally consulted.

In this instance, the officer requested additional information, as to how the garden pod would be erected. This has been confirmed by the agent who has highlighted that the outbuilding would be erected on a raised platform and therefore would not require any engineering works to the banking. For these reasons and given the fact that the nearest tree is a White Beam in which is not worthy of a Tree Preservation Order (TPO), in its own right, no concern has been raised.

For these reasons, the development would accord with Policies LP24di and LP33 of the KLP, Policy 2 of the Holme Valley Neighbourhood Development Plan, Principle 13 of the SPD and Chapters 12 and 15 of the NPPF.

6. Representations

No representations have been received.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/94125

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP33, LP35, LP51 and LP53 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations Supplementary Planning Document, the Holme Valley Neighbourhood Development Plan and Government guidance contained within the National Planning Policy Framework.

3. The walls of the rear extension hereby approved shall be constructed from natural stone, to match the stonework used on the walls of the host property. The walls of the extension shall thereafter be retained with this finish.

Reason: In the interests of visual amenity and heritage conservation and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles within the Kirklees Householder Extensions and Alterations Supplementary Planning Document.

4. Notwithstanding the submitted plans, a 1.8m-2m high privacy screen, which shall be blank and exclude any glazing, shall be erected along the western boundaries of both the first floor and ground floor terraces hereby approved. The screens shall be provided before the terraces are first brought into use and shall be retained thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Principle 3 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

5. 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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.

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	055-21-PL05	A	29 th October 2021
Existing site plan, floor plans and elevations	055-21-PL01	B	29 th October 2021
Proposed elevations	055-21-PL03	B	29 th October 2021
Proposed garden pod	055-21-PL04	-	29 th October 2021
Design and access statement by Hinchliffe Architecture and	055-21-R1	-	29 th October 2021

Design dated 27.10.2021			
Proposed floor plans and site plan	055-21-PL02	C	3 rd May 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, concerns were raised regarding the siting and design of the outbuilding proposed. However, the applicant's agent outlined that this is likely to constitute permitted development. As such, a balanced decision has been taken, with additional details being providing in relation to the impact in which the outbuilding may have on the adjacent trees. As such, an updated site and floor plan has been sought to detail the foundations for the garden pod. This was received on 3rd May 2022.

Report Dated: 13th June 2022