

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:	2021/62/94165/E
Site Address:	Land adj, 7, West Lane, Gomersal, BD19 4DL
Description:	Erection of four dwellings with ancillary garages and associated landscaping works (within a Conservation Area)
Recommending Officer:	Liz Chippendale

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 29 July 2022

Site Description

The application site is a rectangular green space of wild grass measuring 0.3 hectares which is lined with mature trees to the North, South and West boundaries.

To the East of the site is a small development of two detached dwellings and a further two dwellings which were converted from a previous outbuilding and agricultural building. To the North of the site is Gomersal Hall, a 20th Century detached house set within extensive gardens. To the North West is the Grade II listed West Lane Methodist Chapel (Gomersal Methodist Church) and associated Sunday School.

The application site is Unallocated land which is set within the Gomersal Conservation Area as designated within the Kirklees Local Plan.

Description of Proposal

The application is sought for the erection of 4 no. detached dwellings (x1 3 no. bedroom and x3 4 no. bedroom) with ancillary garages and associated landscape works on land at West Lane, Gomersal.

The dwellings will be accessed via 2 no. private driveways from West Lane.

The Units are a mixture of 2 storey design types each with a double garage in a linear format across the site. The proposed dwellings are to be constructed from coursed natural stone with natural slate roofs and ashlar lintels and detailing.

History of negotiations/amendments received

The applicant submitted the following amendments at the request of internal consultees:

- Large vehicle swept path analysis
- Amended proposed site plan to show 2m wide footpath along West Lane and Latham Lane frontages.
- Amended Ecological Impact Assessment
- Arboricultural Impact Assessment

The amended information was considered to be acceptable and addressed initial concerns raised by colleagues in KC Highways, KC Ecology and KC Trees.

Relevant Planning History (including enforcement history)

2020/93117	Works to trees with TPO 21/91 within a Conservation Area
	Granted
2016/94181	Work to TPO(s) 21/91 within a Conservation Area

Granted

2013/92768

Works to tree(s) within a Conservation Area
Granted

95/91997
dwellings)

Outline application for residential development (12
Withdrawn

Representations

The application was advertised via site notice (erected on 03.12.201) and neighbour notification letters.

Four representations were received. A summary of the comments is as follows:

Against

- The proposed access is immediately adjacent to the approved access for 7 dwellings at Gomersal Hall which would cause conflicting vehicle movements
- The development does not look to include suitable internal turning for service vehicles
- No footpath provision along the frontage of the site
- Increased density of housing developments in Gomersal
- The addition of a 2m wide footpath would narrow the highway and cause difficulty at the junction of West Lane and Latham Lane.

In support

- Happy to see a small piece of land used with a sympathetic design to incorporate into the existing surroundings

Comment

- Would have liked to see larger homes with more generous gardens
- Good to see that new trees will be planted
- Would like to see the inclusion of holly and hawthorn in lower hedged areas

Consultation Responses

Statutory:

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

Non-Statutory:

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

K C Biodiversity – *No objection subject to condition*

K C Conservation and Design – *Object to the proposal, conditions suggested in the event that planning permission is granted*

K C Trees – *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 previously Unallocated land designated within 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 20 – Sustainable Travel
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 24 – Design

- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP 35 – Historic Environment
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Main issues

- The principle of development
- Urban design issues and impact on the heritage asset
- 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. LP7 of the 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 10 dwellings. The proposal is for the erection of 4 dwellings which does not meet this requirement. However, the local vicinity of the site is characterised by large, detached dwellings which are set in medium to large plots. The proposed 4 no. dwelling would reflect this character and density and retain the boundary of trees along the frontage of West Lane. As such, although the proposal does not meet with the requirements of LP7, the proposal is considered to be acceptable due to the impact on the character of the Gomersal Conservation Area.

The application site is unallocated within the Kirklees Local Plan. As such, LP24 of the KLP 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.

The application site is set within the Gomersal Conservation Area, as such, Policy LP35 of the KLP applies which outlines that any development within the Conservation Area must preserve or enhance the significance of the Conservation Area. Where the significance is harmed then public benefit should occur to an extent that the balance of the harm is outweighed.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 201 and 196 of the National Planning Policy Framework also reiterate this guidance.

The application site is a privately owned open piece of land covered by wild, overgrown grassland which looks to have no immediate purpose. The site is bordered by mature trees, timber fences and an access gate meaning that the site is not open to use by members of the community offering limited benefit.

Views into the site are limited from the North, East and West due to the lines of mature trees, particular in the warmer months. The site is not considered to make a significant contribution to the visual amenity of the Conservation Area.

The proposal looks to sympathetically develop the site with dwellings which reflect those built to the East of the site in terms of design and detailing, also reflecting the local vernacular with the use of coursed natural stone and natural slate roofs. The proposal will retain or replace trees which border the site and also plant additional trees which will retain the character of the site from West Lane and Latham Lane. In addition, the proposed stone boundary walls will replicate those which border Gomersal Hall to the North.

Due to the limited benefit that the site currently offers to the setting of the Gomersal Conservation Area due to limited views in and out of the site and the inaccessibility of the overgrown site to the public, it is considered that on balance, the development of the site would have some limited harm to the setting of the Conservation Area.

Heritage and 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 application site is situated within the Gomersal Conservation Area, as such Policy LP35 of the KLP applies which outlines that any development within the Conservation Area must either preserve or enhance the significance of the Conservation Area. Where the significance is harmed then public benefit should occur to such an extent that the balance of the harm is outweighed.

The proposed dwellings would each have an individual design whilst being similar in scale and detailing. The proposed dwellings in the linear format are similar to the adjacent development to the East where the form, scale and courtyard entrance is reflected.

The scale of the proposed dwellings is considered to be acceptable on this site. The wider vicinity of the site is characterised by large, detached, stone built dwellings set within garden plots. The proposal reflects this characteristic whilst also retaining the significance of the existing boundary trees.

Although the 2 no. proposed driveways will interrupt the line of trees along West Lane, the proposed use of stone walls and a buffer of new tree planting is considered to reduce the impact in terms of visual amenity. A condition is recommended to secure the details of the tree and hedgerow planting and the type, construction and stone type of proposed boundary treatments

On balance, whilst there will be some harm to the Gomersal Conservation Area, it is considered that this is outweighed by the high quality of design which is proposed for the proposed dwellings. The existing tree cover will further mitigate any harm and will enable the development to embed sympathetically to the surrounding conservation area. The proposed development is considered to be in compliance with Policy LP24 and LP35 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 are 14, 16, 18 and 23 Latham Drive; 7 West Lane and Gomersal Hall.

There are no concerns with regards to impact of residential amenity on the occupiers of 14 Latham Lane which is set to the South of unit 1.

Unit 2 is set to the North of 16 Latham Lane. There are 2 no. windows proposed at first floor level which face the Southern boundary. Although the windows could over look the garden area of 16 Latham Lane, there is a distance of approx. 18m and any views would be screened by a line of mature trees which are protected by a tree preservation order. The immediate land adjacent to the shared boundary is an access road to 18 Latham Lane, therefore the private amenity space for 16 Latham lane is likely to the south of the garden or immediately adjacent to the rear elevation.

Unit 3 is located to the North of 18 Latham Lane which has gardens to the East and West. There are secondary windows within the South elevation at first floor level which serve bedrooms 1 and 4. As there are other windows which serve the bedrooms and the separation distance is considered to be sufficient, there is considered to be no impact on the level of residential amenity of the neighbouring residents.

Unit 4 is proposed to the East of the application site set adjacent to 7 West Lane. There is a window at first floor which serves a bathroom and a window at second floor which is a secondary window to a bedroom of the adjacent dwelling. As there are no windows proposed within the East elevation of unit 4, and the existing windows in the adjacent dwelling serves a non-habitable room and acts as a secondary window, there is considered to be no impact on residential amenity of the neighbouring residents.

The proposed dwellings offer a high standard of residential amenity to future occupiers exceeding space standards and offering adequate outdoor private amenity space.

In summary, there is no considered 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 developments should be assessed in terms of their impact on the existing transport infrastructure, impacts on the safety of users and the impact of 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 four dwellings with ancillary garages and associated landscape works. The development will be accessed via 2 no. private driveways, each serving 2 no. dwellings. The application is supported by a Highways supporting statement which concludes that the proposal would not result in any detrimental highway impact on capacity and road safety.

The proposed dwellings provide adequate off-street parking within the site. Bin collection will be taken from West Lane, therefore there is no requirement for the safe manoeuvre and turning of a service vehicle within the site.

An amended plan was requested to show the addition of a 2m wide footpath to the West Lane and Latham Lane frontage of the site to link with the existing footway in order to improve the pedestrian facilities and sight lines from the proposed accesses. A condition was recommended to secure the footpath provision prior to the occupation of the dwellings.

Subject to the recommended conditions relating to a 2m footway provision, the proposal is considered to be 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 report named 'Proposed development at West Lane, Gomersal for Rhodes Homes' (ref: E21/7885/MD/001). Although the report details investigation work has been carried out at the site which does not evidence land contamination, the report fails to meet criteria in accordance with best practice guidance. As such, Officers would recommend the use of land contamination conditions for further investigative work and remediation if required are necessary.

A condition will also be added to secure an electric vehicle charging point for each of the proposed dwellings.

Biodiversity and trees

The application is supported by a Preliminary Ecological Assessment which provides a robust assessment of the site and sets out a number of recommendations to enhance biodiversity on the site in line with LP30. In order to ensure the retention of trees which have bat roost potential a survey will be required by condition. A condition will also be added to secure the submission of a Biodiversity Enhancement Management Plan to ensure that a biodiversity net gain is achieved post-development.

The application is further supported by an Arboricultural Impact Assessment (AIA). The site holds 4 no. trees which are protected under TPO 21/91 and the Gomersal Conservation Area protects all trees over 75mm in diameter. The submitted tree survey details that the protected trees are not worthy of retention due to significant defects.

The submitted AIA shows that the majority of the boundary trees will be replaced with the planting of half standard birch tree and a Hawthorn edge. It is considered that the proposals to replace the existing trees with only birch and hawthorn hedgerow species would not be acceptable as this would result in a monoculture of the tree and lack variety in the hedgerow which would prevent from providing greater benefit to the biodiversity of the site and wider area. The tree planting should include some standard oak specimens to replace the protected trees on the site at large mature standards or heavy standards. A condition is recommended to secure details of the proposed replacement tree and hedgerow planting in order to improve the visual amenity and biodiversity of the site.

Representations

A response is provided to the representations received for the proposed development.

Against

- The proposed access is immediately adjacent to the approved access for 7 dwellings at Gomersal Hall which would cause conflicting vehicle movements

Response: A further application at Gomersal Hall is under consideration which would amend the entrance to the site. The proposed development would no longer include the development of the 7 dwellings if approved.

- The development does not look to include suitable internal turning for service vehicles

Response: Swept path analysis has been submitted by the applicant at the request of KC Highways which was considered to be acceptable.

- No footpath provision along the frontage of the site

Response: An amended site plan was received showing the addition of a 2m wide footpath along all frontages.

- Increased density of housing developments in Gomersal

Response: The housing density within Gomersal is considered. All applications are considered on their own planning merits.

- The addition of a 2m wide footpath would narrow the highway and cause difficulty at the junction of West Lane and Latham Lane.

Response: The addition of a 2m wide footpath will increase road safety for both vehicles and pedestrians.

In support

- Happy to see a small piece of land used with a sympathetic design to incorporate into the existing surroundings

Response: Comment noted

Comment

- Would have liked to see larger homes with more generous gardens
Response: Comment noted
- Good to see that new trees will be planted
Response: Comment noted
- Would like to see the inclusion of holly and hawthorn in lower hedged areas
Response: Comment noted. A condition is recommended for the submission of a landscape plan to outline the type of vegetation and trees to be planted.

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: 2021/94165

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 and LP35 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

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwellings.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwellings.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwellings.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save 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 identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure that unacceptable risks to human health and the environment from hazards and land contamination have been appropriately remediated in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

10. Prior to development commencing, a detailed scheme for the provision of a 2.0m wide footway to the full site frontage to both West Lane and Latham Lane with associated signing and white lining shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy LP 21 of the Kirklees Local Plan.

11. The windows and doors of the dwellings hereby approved should be in treated timber as specified within the Design and Access Statement by Halliday Clark Architects dated 21.10.21.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 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.

12. Notwithstanding the submitted plans and information, full details of all boundary treatments, including their height and material, stone type and construction, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 and LP35 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.

13. No development shall take place (including any demolition, or internal or external works to existing structures) until further roost characterisation surveys have taken place, as detailed in the PEA. All survey and reporting shall be undertaken following national good practice guidelines

Reason: To ensure that protected species are considered prior to development, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to ensure the proposed development will not bring about impacts on protected species.

14. Where the survey approved pursuant to the above condition 13 confirms the presence of a 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 sufficient 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 objectives 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 maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons 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: To ensure that protected species are considered prior to development, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to ensure the proposed development will not bring about impacts on protected species.

15. Should the surveys identify the presence of bat roost(s), no development shall take place in any circumstances unless 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 the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that protected species are considered prior to development, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to ensure the proposed development will not bring about impacts on protected species

16. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development is submitted and agreed in writing by the Local Planning Authority. The BEMP shall accord with the enhancement measures details within the Preliminary Ecological Appraisal dated June 2022. The BEMP shall include the following:

- a) Description and evaluation of features to be managed and enhanced;
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c) Ecological trends and constraints on site that might influence management;
- d) Aims and Objectives of management;
- e) Appropriate management Actions for achieving Aims and Objectives;
- f) An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
- g) Details of the management body or organisation responsible for implementation of the BEMP;
- h) Ongoing monitoring programme and remedial measures; and
- i) The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

17. The development shall be completed in accordance with the tree protection advice and recommendations contained in the Arboricultural Impact Assessment and Draft Tree Protection Plan, James Royston Arboricultural

Consultant ref 210904a. These shall be implemented and maintained throughout the construction phase and retained thereafter as required.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

18. Prior to the commencement of development, a scheme detailing landscaping, tree/shrub/hedge planting, including the species, number and size of the proposed planting along with details of all existing trees and hedgerows on and adjoining the site that are to be retained, 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 be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees, shrubs and hedges in the interests of amenity and biodiversity and to accord with the policy LP30 and LP33 of the Kirklees Local Plan and Circular 06/2005 – Biodiversity and Geological Conservation - Statutory obligation and their impact within the planning system.

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 in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the

Council's Advice for Development documents or any subsequent revisions of those documents.

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/pavingfrontgarden
[S](#)

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
Existing site plan	917.01(00)001	-	03.11.2021
Unit 02 Ground floor plan	917.01(20)P00.02	-	03.11.2021
Unit 03 Ground floor plan	917.01(20)P00.03	-	03.11.2021
Unit 4 Ground floor plan	917.01(20)P00.04	-	03.11.2021
Unit 1 first floor plan	917.01(20)P01.01	-	03.11.2021
Unit 1 Ground floor plan	917.01(20)P00.01	-	03.11.2021
Unit 2 First floor plan	917.01(20)P01.02	-	03.11.2021
Unit 3 First floor plan	917.01(20)P01.03	-	03.11.2021
Unit 4 first floor plan	917.01(20)P01	-	03.11.2021
Design and Access	917.01	-	03.11.2021

Plan Type	Reference	Version	Date Received
Statement dated 21.10.21 by Hallidat Clark Architects			
Tree Survey by James Royston Arboricultural Consultant	210904	-	03.11.2021
Desk top study and site investigation work report by Haigh Huddleston & Associates dated 22.10.2021	E21/7885/MD/001	-	03.11.2021
Garage and footpaths design settings by Haigh Huddleston & Associates dated 22.10.2021	-	-	03.11.2021
Shared drives design settings by Haigh Huddleston & Associates dated 22.10.2021	-	-	03.11.2021
Unit 01 proposed elevations	917.01(20)E00.01	-	03.11.2021
Unit 2 proposed elevations	918.01(20)E00.02	-	03.11.2021
Unit 3 proposed elevations	917.01(20)E00.03	-	03.11.2021
Unit 4 proposed elevations	917.01(20)E00.04	-	03.11.2021
Preliminary Ecological Appraisal by Quants Environmental dated June 2022	1631	-	23.06.2022
Drainage feasibility plan	E21/7885/001	-	03.11.2021
Highways supporting statement by Andrew Moseley Associates dated 29 th October	-	-	03.11.2021

Plan Type	Reference	Version	Date Received
2021			
Proposed site plan	917.01(01)P00	03	21.12.2021
Large car swept path analysis	AMA/21177/ATR/002.01	-	21.12.2021
Large car swept path analysis	AMA/21177/ATR/002.02	-	21.12.2021
Arboricultural Impact Assessment	210904a	-	08.02.2022

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.. During the course of the application, the case officer undertook negotiations with the applicant to secure amended plans to show the addition of a 2m wide footpath to the frontage of the site and swept path analysis. The Officer also requested the submission of an Arboricultural Impact Assessment and an updated Ecological Impact Appraisal.