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:	**2022/62/90932/E**
Site Address:	Land at, Boggart Lane, off Station Road, Skelmanthorpe, Huddersfield, HD8 9AU
Description:	Erection of 2 semi-detached dwellings and associated works
Recommending Officer:	Nina Sayers

DECISION – FULL CONDITIONAL 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: 25-AUG-2022

Officer Report

Site Description

The site comprises an empty plot of land off Boggart Lane, Skelmanthorpe. The site is located between 46 Boggart Lane and 48 School Road and is currently being used as a car park for construction vehicles. The land levels slope down from 46 Boggart Lane towards Station Road. The site is accessed off Boggart Lane, an unadopted highway off Station Road. The lane serves 2 other dwellings and another dwelling on the junction with Station Road.

The application site is in a predominantly residential area and the site has residential properties to either side. The neighbouring properties vary in house type including terraced housing, semi-detached and detached. The site is partially located on land allocated for housing within the Kirklees Local Plan (ref. HS134). The land to the north-east of the site is also allocated under the same housing allocation.

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

Description of Proposal

Planning permission is sought for the erection of two semi-detached dwellings and associated works.

The proposed dwellings would appear two storey in height, with living accommodation in the pitched roof (with rooflights). The siting of the dwellings would be somewhat similar to the existing adjacent dwellings, being set back from the highway by 1 metre and would have a rectangular form. The dwellings would face Boggart Lane. The dwellings would mirror one another and would have a ridge height of 10 metres, eaves height of 5.6 metres, width of 4.9 metres each and depth of 9 metres. The dwelling is proposed to be constructed from coursed artificial stone under a natural roof slate. There would be a canopy proposed over the front doors of the dwellings. Access would be provided off Boggart Lane with tandem parking provision for both properties and for no.46.

History of negotiations/amendments received

Officers raised concerns with the applicant's agent regarding the original proposal, in relation to the impact on the neighbouring 48 Station Road, the impact on visual amenity, as well as concerns raised by highways and ecology officers. The applicant's agent was offered the opportunity to provide amended plans and additional supporting information, and following a number of revisions to the proposal and the submission of additional information, the concerns of Officers were addressed.

Relevant Planning History

2004/90817 - outline application for erection of one dwelling. Refused
2017/92217 - Erection of 10 dwellings. Refused.
2019/91540 - Erection of detached dwelling. Conditional full permission
2019/90183 – Erection of 14 dwellings and associated works. Section 106 full permission (adjacent plot).
2021/90744 - Discharge of conditions 9 (cycle parking), 10 (electric vehicle charging), 11 (waste collection), 19 (noise), 21 (materials) and 22 (boundary treatments) of previous permission ref: 2019/90183 for erection of 14 dwellings and associated works.
2022/90578 – Erection of two storey and single storey rear extension. Pending consideration (adjacent property).

Representations

Final publicity date Expires:
Neighbour letters initially expired on 03rd June 2022.

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

- Orientation of dwellings is not in keeping with existing properties
- No submitted plans showing ground levels
- Overlooking harm
- Overbearing harm and proximity to neighbouring property
- Request that a boundary fence is installed
- Highway safety and condition of unadopted highway
- Overdevelopment
- Incompatible with existing planning permission
- Harm to ecology
- Drainage issues
- Issue regarding future maintenance

After the submission of amended plans given Officer concerns with the initial proposal, immediate neighbours were reconsulted on 4th July 2022 following this, and Neighbour Letters expired on 12th July 2022. Following this re-consultation 1 representation was received, which objected to the revised proposal under this application. It is noted that some of the comments within the objection are duplicate of the previous representation.

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

- Ground levels not illustrated
- Request that a boundary fence is installed

- Overdevelopment to the site
- Highway safety and condition of unadopted highway
- Incompatible with existing planning permission
- Harm to ecology
- Drainage issues
- Issue regarding future maintenance and telephone wires.

Consultation Responses

KC Environmental Health: No objections subject to conditions.

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

KC Ecology: No objections subject to a condition.

Policy

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

The site is allocated for housing on the Kirklees Local Plan Policies Map
Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

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

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

The site is allocated for housing on the KLP Policies Map. Policy LP2 states that:

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

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Policy seeks to support residential development upon land allocated for housing. Thus, residential development at the site could be acceptable in principle. It is also noted that historic planning permission has been granted for a new dwelling on this site, so the principal of erecting a new dwelling on this site has already been considered acceptable. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 2 to 3 dwellings. However, LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. Two dwellings are proposed in this instance, but this is considered appropriate due to the topography of the site, as more dwellings on the site would likely result in overbearing harm to neighbouring properties and a cramped form of development that would fail to sympathetically integrate with existing development in the locality.

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

2 – Impact on visual amenity:

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

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

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

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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

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

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

The proposed semi-detached dwellings would not be too dissimilar in siting to the existing neighbouring semi-detached dwellings, and it would follow a similar building line. Boggart Lane does not have a strong building line as it only serves 2 properties with an additional property on the corner with Station Road. The dwellings were originally proposed at a right angle to Boggart Lane however this was amended to ensure the properties were in keeping with the character of the street scene and so the front elevations of the properties would address the street. It is therefore considered that the siting and orientation of the dwelling are acceptable in principle. The proposal would result in adequate garden space to the rear and there would be parking to the side of either property, helping to maintain the suburban and green character of the area.

The semi-detached pair would be two storey's in height with a steep pitched roof which allows for living accommodation in the roof space. This is considered to be acceptable given the scale of surrounding dwellings in the locality. The proposed dwellings would be slightly taller than the neighbouring no.46 however, due to the change in land levels, the roof ridge would sit

below the roof ridgeline of no.46, and the properties would step down in height to reflect the topography. The properties would be a similar width to the nieghbouring properties but would be slightly deeper (an additional 1 metre). The dwelling would also benefit from a simple rectangular form, which would help to reduce the overall bulk. Further to this, given that it is set on a generously sized plot, and its side walls would be set off from neighbouring properties, Officers hold the view that it would not appear cramped on the site. The scale and form of the dwelling are therefore considered to be acceptable from a visual amenity perspective.

Moving on to appearance, the dwellings in the immediate vicinity are constructed from a variety of materials included brick and stone. The application proposes coursed artificial stone. It is noted that the approved application for 14 dwellings on the adjacent site, which has commenced development, are being constructed from coursed artificial stone and therefore the proposed dwellings would be in keeping with the properties in the surrounding area. Officers raised concerns regarding the proposed Basalt Grey Causeway roof tile as there was too much contrast between the walling and roofing material. Further to this, the tile on questions was considered unacceptable for the 14 new dwellings on the adjacent site (see application 2021/90744). This was raised with the agent, and it was agreed that the roofing materials would be amended to Siga 39 natural roof slate to match the adjacent group of houses.

The details of the hard landscaping appear acceptable in principle and further details of this could be conditioned, along with details of boundary treatments, should permission be granted so as to achieve a high standard of development.

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

3 – Impact on residential amenity:

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

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

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

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

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

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

The properties most likely to be affected by the proposed development are considered to be 46 Boggart Lane and 48 Station Road, as well as the properties approved to the north-east of the site which are under construction. The impact upon these properties will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

Impact on 46 Boggart Lane

46 Boggart Lane is next door to the application site, to the south east, and is a two-storey, semi-detached property. It is noted that as part of the scheme, parking provision is provided for no.46. The proposed dwelling would be set 7.6 metres from the boundary with no.46 and would be separated by parking provision for both the proposed dwelling and no.46. Due to the topography of the site, the proposed dwelling would be set down from no.46. The proposed dwellings would protrude 1 metre beyond the rear elevation of no.46 but given the separation distance and change in land levels, no significant overbearing or overshadowing harm is considered to be caused.

There are two openings proposed in the side elevation of the proposed dwellings, facing no.46, which would both serve bathrooms so would be obscurely glazed. It is noted that there are no openings on the side elevation of no.46 Therefore, no overlooking harm is considered to be caused. Should this application be approved, it is recommended that a condition be attached that these windows remain obscurely glazed and that no additional windows are installed in the side elevations of the dwellings, to preserve the privacy of the neighbouring property.

Impact on 48 Station Road

48 Station road is adjacent to the application site, to the north-west, and is a two-storey detached dwelling which faces Station Road. The dwelling is set down, at a lower level than the application site. The rear of no.48, which faces the application site, has a single storey lean-to extension to the rear which has a window serving a kitchen and the first floor window which serves a

hallway. It is noted that there is a live application at no.48 for a two-storey and single-storey rear extension (see application 2022/90578), which is pending consideration. If this were to be approved, there would be 5 openings in the rear elevation which would all serve primary inhabited spaces. It is noted that the proposed extension would be slightly closer to the boundary with the application site than the existing arrangement.

The originally proposed scheme was close to the boundary with no.48 and the rear elevations faced no.48 which did not comply with the 21 metre separation distance. This was considered unacceptable due to the harmful overbearing, overshadowing and overlooking impact on the neighbouring property. The scheme was rotated 90 degrees and set in from the boundary. The side elevation of the proposed dwellings now faces no.48. There are two openings proposed in the side elevation of the proposed dwellings, facing no.48, which would both serve bathrooms so would be obscurely glazed. Therefore, to prevent any future overlooking harm, in the event that planning permission is approved, it is recommended to attach a condition that these windows remain obscurely glazed. If the live application at no.48 (2022/90578) were to be approved, the proposed side elevation would remain 15 metres away from the rear elevation of 48 Station Road. This exceeds the required 12 metre separation distance.

Due to the difference in land levels, concerns were raised regarding the overbearing and overshadowing impact of the proposed extension. The rotation of the proposed plans, with the dwellings set in from the boundary helps mitigate these concerns, but not entirely dismisses them. When taking the land levels into consideration, the proposed roof ridge would be 5.3 metres higher than no.48. This would cause overshadowing to the proposed windows and rear amenity space of no.48, but this overshadowing would be limited to a couple of hours in the morning. It is noted that there is a detached garage and two outbuildings to the rear boundary of no.48, which would shield the proposed dwellings from no.48. Taking this into consideration, along with the separation distance between the proposed dwellings and the proposed extension at no.48, it is considered that no significant overbearing harm would occur in this instance.

Impact on properties approved to the north-east of the site

In 2020, an application was approved for the erection of 14 dwellings on the land to the north-east of the application site (2019/90183). Upon attending a site visit, it was apparent that the properties have begun development. The approved plans show that there would be two properties to the rear of the application site. The properties would be set at a significantly lower level than the proposed dwellings and these properties would have inhabited room windows on the rear elevations. There would be a separation distance of approximately 20 metres between the rear elevations of both set of properties which fails to comply with the required 21 metre separation distance. It is noted that under application 2019/90183, a property was approved to the rear of no.46 Boggart Lane, which has a similar relationship, and similar separation distance. Taking this into consideration, and given the distance is

only slightly under the required 21 metres, it would be unreasonable to refuse the proposed dwellings on these grounds in this instance..

Amenity of the Proposed Occupiers

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

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed rear gardens are considered to be an adequate size for a dwelling of this scale.

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

4 – Impact on highway safety:

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

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

Two, three-bedroom dwellings are proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings with three bedrooms.

Tandem parking is proposed along the side of each dwelling with space for two vehicles to park. There is also tandem parking provision for no.46 Boggart Lane. As such, Officers and KC Highways Development Management (HDM) are satisfied sufficient on-site parking has been proposed for such a development. KC HDM are also satisfied that the parking allows vehicles to enter and exit Boggart Lane in a forward gear.

Concerns were raised in representations regarding the quality of Boggart Lane and how this is being degraded by vehicular use. As this is an

application for a residential site, and given the existing site serves parking provision for construction vehicles, the proposal is considered to not cause significant harm over and above the existing arrangements on site. In the event that planning permission is approved, it is recommended that a condition be attached that the area designated as parking provision is finished in a hardened and drained surface.

Further to the above, it is also recommended that a condition be attached that prior to development commencing, details of suitable bin storage and collection points are submitted and approved by the Local Planning Authority. This is to ensure the proposal complies with LP24 d(vi) of the Kirklees Local Plan.

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

5 – Other matters:

Ecology
The site consists of a pair of semi-detached, two storey dwellings with an area of hardstanding to the side and garden to the rear. However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the proposed dwelling are to be recommended as a condition should permission be granted.

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

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

Contamination

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

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

Coal Mining
This application is located within a low risk area and therefore there is no statutory requirement to submit a coal mining risk assessment or consultation with the Coal Mining Authority. A precautionary note will be added to the decision notice should any coal mining feature be encountered during development.

6 – Representations:

2 representations have been received overall a result of the above publicity. It is noted that some of the comments in the second representation are duplicates of the first representation. They raised the following concerns:

- Orientation of dwellings is not in keeping with existing properties

Response: The orientation of the properties has been amended and fully assessed in the visual amenity section of this report.

- No submitted plans showing ground levels

Response: The agent has submitted a street scene which shows the land levels and is considered acceptable.

- Overlooking harm
- Overbearing harm and proximity to neighbouring property

Response: These are both material planning considerations so have been carefully considered in the residential amenity section of this report.

- Request that a boundary fence is installed

Response: Amended plans have been received showing a 1.8 metre fence around the boundary of the proposed dwellings.

- Highway safety and condition of unadopted highway

Response: This is a material planning consideration so has been carefully considered in the highway safety section of this report.

- Overdevelopment of site

Response: This is a material planning consideration so has been carefully considered in the principle of development section of this report.

- Incompatible with existing planning permission

Response: Each application must be considered on its own merits. This application has been carefully considered against all material planning considerations.

- Harm to ecology

Response: This is a material planning consideration so has been carefully considered in the other matters section of this report.

- Drainage issues

Response: The issues raised regarding drainage are to be resolved through civil discussion between the applicant and their neighbours, as this property is not within a key flood zone, no further information is required from the Council. These concerns may be addressed within the remit of building regulations.

- Issue regarding future maintenance and telephone wires.

Response: For a development of this scale, this is not a material planning consideration and therefore no further comment will be made.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**
Decision Authorisation - Delegated Powers
Application Number: 2022/90932
Officer Recommendation: Approve
Conditions:

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking areas shall 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; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 and LP22 of the Kirklees Local Plan.

4. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan.

5. The development shall not be occupied until the windows in the side elevations of the dwellings hereby approved have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.
Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevation of the dwellings.
Reason: So as not to detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Prior to occupation of the dwelling, one electric vehicle recharging point for each dwelling shall be installed. 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.

8. 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 to 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 National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 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 National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report 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 National Planning Policy Framework.

11. 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 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 paragraph nos. 178 and 179 of the National Planning Policy Framework.

12. Prior to the occupation of the property, a plan detailing the positioning and location of an integral bat box (Schwegler Bat Wall System 3FE or similar) and bird box (Schwegler 1B or similar) shall be submitted to and approved in writing to the local authority.
Reason: to provide an enhancement to biodiversity in line with LP30 (as modified) and the requirements of section 15 of the National Planning Policy Framework.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is 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 socket outlet 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: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not.
If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

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

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

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

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

notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	30/04/2022
Location plan	002	A	30/03/2022
Site plan	SK-010	C	22/08/2022
Elevations and floor plans	001-313	A	22/08/2022
Site section	SK-011	A	20/06/2022
Drainage plan	115	P2	20/06/2022
External levels	155	P2	22/07/2022
Street scene	SK-013		22/07/2022
Case report	-	-	17/03/2022
Phase 1 geotechnical and geo-environmental site investigation	46205	Issue 1	17/03/2022
Coal mining report	-	-	17/03/2022

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers raised concerns with the applicant's agent regarding the original proposal, in relation to the impact on the neighbouring 48 Station Road, the impact on visual amenity, as well as concerns raised by highways and ecology officers. The applicant's agent was offered the opportunity to provide amended plans and additional supporting information, and following a number of revisions to the proposal and the submission of additional information, the concerns of Officers were addressed.

Report Dated: 22/08/2022