

**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:	<b>2022/60/91024/E</b>
Site Address:	York House, 198, Barnsley Road, Denby Dale, Huddersfield, HD8 8TS
Description:	Outline application for demolition of existing works and erection of residential development
Recommending Officer:	Olivia Roberts

**DECISION – Conditional Outline 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: 06-Oct-2022**

## **Officer Report**

### **Site Description**

The application relates to York House at 198 Barnsley Road in Denby Dale. The site comprises an industrial unit which is occupied by Jones Tool Hire Company, located to the rear of 200 and 202 Barnsley Road. Access to the site is taken from Barnsley Road (A635) via a private access which runs to the side of 200 Barnsley Road. There is an area of hardstanding to the front of the building and an area for parking to the rear.

The site is located within the Green Belt, surrounded by residential properties to three sides. The dwellings to the north comprise a pair of semi-detached bungalows. The property types and style within the wider area vary, although it is noted that the properties are predominantly constructed from stone. There are open fields to the south.

### **Description of Proposal**

The application seeks outline permission for the demolition of the existing works and the erection of four detached dwellings. Access is under consideration, with layout, scale, appearance and landscaping reserved for consideration under a future reserved matters application. The application is supported by an indicative site layout. Whilst scale, which includes the number of dwellings, is a reserved matter, the indicative layout shows the possible location of four dwellings within the site. The indicative site layout shows that the development would use the existing access.

### **History of Negotiations/Amendments Received**

No amendments were sought or received during the course of the application.

### **Relevant Planning History**

2020/94314 – Outline application for demolition of existing works and dwelling and erection of three detached dwellings. Granted.

2018/92022 – Outline application for demolition of existing works and dwelling and erection of residential development (5 dwellings). Granted.

2015/92968 – Erection of extension to existing engineering works. Granted.

2015/90695 – Outline permission for residential development. Granted.

2011/93408 – Extension to time limit to previous permission 2008/93408 for out permission. Granted.

2008/93408 – Outline application for residential development. Granted.

## **Representations**

The application was advertised by neighbour letters which expired on 6<sup>th</sup> June 2022. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council comments: responded with no objections.

## **Consultation Responses**

KC Highways Development Management (HDM) – Have requested additional information which is set out within this report.

KC Environmental Health – No objections subject to conditions relating to contaminated land, noise and electric vehicle charging points.

KC Trees – Informal discussion, no objections to the proposal in principle however have concern regarding the indicative layout due to potential shade issues.

## **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 located on land allocated as Green Belt in the Kirklees Local Plan. It is also located within the Strategic Green Infrastructure Network.

### **Kirklees Local Plan:**

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity

- LP 31 – Strategic Green Infrastructure Network
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land
- LP 59 – Brownfield sites in the Green Belt

### **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, and 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Supplementary Planning Documents:**

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted and are now being considered in the assessment of planning applications for new dwellings, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the following SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note

- Highways Design Guide
- Housebuilders Design Guide

## **Assessment**

### Principle of development:

The application seeks outline permission for the demolition of the existing works and the erection of four detached dwellings. Access is under consideration, with layout, scale, appearance and landscaping reserved for consideration at the reserved matters stage.

The proposal would result in the loss of a commercial unit and would introduce a non-employment generating use. The site is not located within a Priority Employment Area, and Policy LP8 of the Kirklees Local Plan (KLP) is therefore not considered applicable.

It is noted that outline permission has been granted for the redevelopment of the site for residential purposes. Under the previous permissions, it has been noted that the site is not ideal for employment purposes due to its proximity to residential properties as well as the fact that the site is not well-served by public transport. The most recent permission was granted in 2021 and it is not considered that there have been any material changes to the site and surrounding area which would affect this stance since its approval. The planning history is considered to establish the principle of demolishing the existing works and erecting residential development and is a material consideration in the determination of this application. The most recent application is extant (2020/94314) and was determined in 2021.

The site is allocated as Green Belt on the KLP. Chapter 13 of the NPPF requires local planning authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

Policy LP59 of the KLP reiterates this, stating that proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, providing that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;

- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

The proposal would represent a complete redevelopment of the site, including the introduction of four new dwellings, and the retention of one of the existing dwellings which has been proposed to be demolished under the previous permissions. One of the previous outline applications demonstrated four dwellings replacing the existing works, with a fifth dwelling replacing the existing property at 200 Barnsley Road (2018/92022). It is considered that dwellings of modest footprint and scale, located close to the footprint of the existing building, could potentially be accommodated within the site without having a greater impact on the openness of the green belt. Different house types may however need to be explored. Whilst it has been noted previously that four new dwellings within the site could potentially be accommodated, it is noted that there have been changes to both local and national policy since this approval, including the adoption of the Housebuilders Design Guide which would need to be taken into consideration. The number of dwellings may need to be reduced to three to ensure that the development does not have additional harm on the green belt, whilst complying with guidance in relation to visual and residential amenity, as well as other relevant matters.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the Kirklees Local Plan.

Policy LP31 of the Kirklees Local Plan states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal seeks outline permission for the redevelopment of the site which comprises an industrial unit surrounded by hardstanding. As such, it is considered that the proposal would not impact on the connectivity of the green infrastructure network. With consideration to the inclusion of ecological enhancements in the scheme, the proposal could enhance ecological links within the site.

In summary, notwithstanding the indicative layout and comments above regarding the house types and number of dwellings, it is considered that the principle of development could be considered acceptable, as the proposal complies with Policy LP59 of the KLP and the aims of Chapter 13 of the NPPF, particularly Part (g) of Paragraph 149.

### Impact on visual amenity:

Appearance, scale and layout are reserved for consideration at the reserved matters stage. Notwithstanding this, it is considered that there is an opportunity to enhance the visual amenity of the site. Comments regarding scale and layout have been provided within the principle of development section of this report and it is considered that a scheme with an acceptable impact on the character and openness of the area could be brought forward at the reserved matters stage. Principle 5 of the House Builders Design Guide sets out how buildings should form a coherent building line, designed to front onto the street to create active frontages. In this case, the application site relates to an existing building, located to the rear of two existing dwellings. The dwellings to either side of the site are set back from the access road and there is no established building line to this section of Barnsley Road. Whilst layout is a reserved matter, the location of the site in relation to the neighbouring properties could produce an acceptable layout.

It is considered that a high-quality design, which is sensitive to the rural area, could benefit the site. The neighbouring properties are constructed from stone, and as such this is considered the most appropriate material of construction for the proposed dwellings. The following Principles of the Housebuilders Design Guide are relevant and would need to be taken into consideration as part of any reserved matters application in order to ensure that the development is in keeping with the character of the area.

- Principle 2 – Local character
- Principle 6 – Residential amenity
- Principle 12 – Parking (includes design)
- Principle 13 – Materials
- Principle 14 – Fenestration design
- Principle 15 – Roofline

It is concluded that a satisfactory scheme could come forward for consideration at the reserved matters stage, which would preserve visual amenity, be in keeping with neighbouring properties and retain a local identity, sensitive to the rural setting, in accordance with policies LP24 and LP59 of the KLP, Principles of the Housebuilders Design Guide and Chapters 12 and 13 of the NPPF.

### Impact on residential amenity:

Principle 6 of the Housebuilders Design Guide relates to site layouts and the provision of a high standard of residential amenity. It sets out the following distances:

- 21 metres between facing windows of habitable rooms at the back of dwellings
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room

It sets out how longer distances may be necessary if a steep topography within the site represents challenges relating to overlooking.

From a review of the site and distances to the surrounding properties, it is considered that a scheme with an acceptable level of amenity for existing and future occupiers could be brought forward at the reserved matters stage. The increase in ground levels within the site is acknowledged. However, subject to the design and scale of the dwellings, including the number, it is considered that a proposal with an acceptable impact on residential amenity could be achieved. It is considered that separation distances between the dwellings to the east, north and west could be achieved.

In terms of the impact on future occupiers of the dwellings, it is considered that a good standard of amenity could be achieved in terms of privacy, internal floor space, natural light, private amenity space and parking arrangements. This would however be considered as at the reserved matters stage and consideration should be given to the following Principles of the Housebuilders Design Guide:

- Principle 6 – Residential amenity
- Principle 16 – Internal space standards
- Principle 17 – Outdoor space

The Environmental Health officer has requested a condition relating to the submission of a noise survey to ensure that a good level of amenity is achieved for future occupiers.

In summary, with the inclusion of the above condition, officers find that a satisfactory scheme could be brought forward at the reserved matters stage which would not have a detrimental impact on residential amenity in accordance with Policies LP24 and LP52 of the KLP, Principles of the Housebuilders Design Guide and the aims of the NPPF.

Impact on highway safety:

The proposal is for the demolition of the existing works and the erection of four dwellings, with access under consideration. The development would use the existing access which runs along the side of 200 Barnsley Road. The Council's Highways DM team have been consulted and it is noted that the demonstrated site lines are substandard for a 50mph speed limit road. An independent speed survey has been requested to ascertain the 85<sup>th</sup>-percentile wet weather speed on each approach to the proposed access. It is noted that a redevelopment of the site for residential purposes has been approved, using the existing access, under application 2015/90695. The scheme was however for two dwellings, though access was under consideration.

Under the most recent application (2020/94314), whilst a new access was proposed, amended site lines sufficient for a 50mph speed limit road were requested by the Highways DM officer. A site plan demonstrating that the site lines could be achieved was submitted. However, to the west, the site lines were over land under the ownership of the applicant and would have required the loss of a number of protected trees which could not be supported. The planning history at the site is noted and whilst all matters were reserved, the principle of providing five dwellings at the site has previously been approved. Three dwellings have also been approved with access under consideration, with the proposed access for both of these applications being located within close proximity to the existing access into the site.

The current application would use the existing access, as approved under application 2015/90695, rather than the new access proposed under the two most recent applications. When considering the planning history, the fact that the development would use an existing access and would replace a commercial unit, the location of the proposed access is considered acceptable when considered within the planning balance in this particular case.

The indicative layout shows space for parking for each of the dwellings, internal turning and bin collections points. Further consideration will however be given to these elements at the reserved matters stage and bin storage should also be indicated. The proposal is considered to comply with Policies LP21 and LP22 of the KLP, Principles of the Housebuilders Design Guide and the aims of the NPPF.

#### Other matters:

##### *Trees*

A group of protected trees is located along the eastern boundary of the site. As such, the Council's Trees officer has been informally consulted as part of

the application. Whilst no information has been submitted to demonstrate the potential impact that the proposal may have on the protected trees, it is acknowledged that the application is for outline permission, with layout and scale as reserved matters. The demonstrated layout is therefore for illustrative purposes only. The indicative layout of the four dwellings is the same as plots 2-5 under previous application 2018/92022. The site is considered suitable for residential development with regards to trees, though evidence should be submitted at the reserved matters stage to demonstrate that there would be no harm to the trees during the construction process. In addition, issues of shade from the trees must be acknowledged. This is of particular concern with regards to plots 1 and 4. The trees would create shading issues in the early hours, where the location of plot 4 would block natural light to plot 1 at other times in the day. It is considered that this would place significant pressure on the Council to support applications to fell or heavily prune trees in order to allow increased natural light into the site. This concern was raised as part of the 2018 application and remains relevant to the current proposal.

Should the layout be altered to address the above concerns, it is considered that a scheme could be brought forward at the reserved matters stage that would have an acceptable impact on the trees. In altering the layout, consideration should be given to matters of visual and residential amenity drawn on above, which may determine the number of dwellings that can be accommodated on the site. It is suggested that a shading plan is submitted as part of any reserved matters application. This is in accordance with Policy LP33 of the KLP.

### *Ecology*

No ecological information has been submitted as part of the application. It is however noted that an Ecology Report prepared by Brindle and Green had been submitted as part of the previous applications, as part of which the ecological constraints of the site and buildings to be demolished were considered in relation to bats and birds. The agent has confirmed that no further surveys have been carried out at the site. Whilst no information has been submitted as part of the current application, it is noted that the latest permission is extant (2020/94314), and it is therefore considered appropriate to attach the conditions from the previous permission relating to ecology. This is in accordance with Policy LP30 of the KLP.

### *Drainage*

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The application form states that the

method for the disposal of surface and foul water is unknown, though the Planning Statement states that foul water disposal would be to a public foul sewer.

It is noted that the application is for outline permission only. The methods of the drainage should be confirmed at the reserved matters stage, and details of the methods provided where necessary. If a sufficient level of information is not submitted at the reserved matters stage, further details may be secured by condition. This is in accordance with Policy LP28 of the KLP.

### *Contaminated Land*

The Council's Environmental Health officer has requested conditions relating to contaminated land. This is due to the former use of the site and requirement for further, supporting information. This is in accordance with Policy LP53 of the KLP.

### *Carbon Budget*

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.

The proposal relates to a relatively minor outline development proposal for the erection of four detached dwellings. In line with the Council's objectives for promoting sustainable methods of transport, as well as helping to reduce carbon emissions, a condition relating to the provision of one electric car charging point for each dwelling is recommended. This would be in accordance with the aims of policies LP24 and LP51 of the KLP as well as the aims of Chapter 9 of the NPPF.

### *Conditions*

Relevant conditions are referred to in the main body of this report. Some conditions would be pre-commencement and, as such, agreement has been sought and obtained from the applicant's agent prior to issuing the decision.

Representations:

No representations have been received.

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

**Recommendation:**

**Approve**

## Decision Authorisation - Delegated Powers

**Application Number:** 2022/91024

**Officer Recommendation:** Approve

### Conditions and Reasons

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Groundwork 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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for

investigations to be undertaken and assessed, to establish the exact situation regarding contamination at the site in a timely manner.

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 approved in writing by the Local Planning Authority.

**Reason:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. If 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 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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and 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. Unless otherwise agreed in writing with 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 the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. 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 (of a minimum output of 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 interests of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

11. No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

12. Before construction begins a report specifying the measures to be taken to protect the development from noise from Barnsley Road shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a. Determine the existing noise climate
- b. Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** In the interests of the amenity of future occupiers of the properties and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

13. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building or structures for active birds' nests immediately before the building or structure is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

**Reason:** To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

14. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of low suitability for bats (i.e. one survey visit) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the Local Planning Authority. All survey and reporting shall be undertaken following national good practice guidelines.

**Reason:** This is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts, and consequently result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017. The protection of priority species is a requirement of policy LP30 of the Kirklees Local Plan.

15. Where the survey report required under condition 14 confirms the presence of bat roost(s) within the structure, no development shall take place until a method statement containing details of suitable replacement bat roost(s) and/or measures to avoid impacts to roosting bats and their roosts 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. conservation objectives of 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. number and location of replacement roost(s) shown on appropriate scale maps and plans (where relevant);

- d. extent and location of proposed mitigation measures, other than replacement roost(s), shown on appropriate scale maps and plans (where relevant);
- e. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f. persons responsible for implementing the works;
- g. initial aftercare and long-term maintenance (where relevant). The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** This is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of Policy LP30 of the Kirklees Local Plan and a prerequisite to obtain the appropriate protected species licence.

16. Where the method statement required under condition 15 (method statement) cannot demonstrate complete avoidance of impacts to roosting bats or bat roosts, 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 from a suitably qualified ecologist to the effect that suitable measures are in place to ensure the development can proceed without resulting in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

**Reason:** This is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017.

**NOTE:** The application is for outline planning permission with access and, therefore, does not give any weight to the scale or layout set out on the indicative layout provided. Details regarding the scale and layout of the development will be required to be considered as part of any subsequent reserved matters application along with matters relating to appearance and landscaping.

**NOTE:**

- A Standard electric vehicle charging point is one which is can provide 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.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1774 LOC	A	19/04/2022
Proposed Site Layout (Layout Indicative Only)	(100) 07	-	19/04/2022
Planning Statement	1774	-	19/04/2022

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. As the submitted plans were considered acceptable, no amendments were sought.

**Report Dated:**

29/09/2022