# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

| | |
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| Reference No: | **2022/62/91455/W** |
| Site Address: | adj, 2-4, Peat Ponds, Salendine Nook, Huddersfield, HD3 3UA |
| Description: | Erection of 5 detached dwellings |
| Recommending Officer: | Ellie Worth |

**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.**

Julia Steadman

***AUTHORISED OFFICER***

**Date:** 26-SEPT-2023

## Officer report

## Site description

The application relates to garden space associated with 2-4 Peat Ponds, along with a small parcel of land to the south of 176 Laund Road. The site is fairly level albeit the land adjacent to 176, whereby access will be taken, is situated on a slightly lower level to the highway (Laund Road). Boundary treatment currently consists of hedging and timber fencing.

The site is situated within a predominantly residential area, bordering properties to the north, south and west. The site is also unallocated on the Kirklees Local Plan.

## Description of development

Planning permission is sought for the erection of 5 dwellings.

The proposed dwellings comprise of two storey detached properties, two of which would be sited in the northern part of the site and three to the southern part.

Each dwelling would be 9 metres high, 9.5 metres wide with a depth of 9 metres. A sunroom that projects 3.5 metres would be located on the rear elevation. Design features also include dormers and an integral garage.

Three house types have been proposed (A, B and C), all of which would provide 5 bedrooms.

The dwellings would be constructed from natural stone and the roof covered in concrete tiles. The sunrooms would be constructed from vertical cladding. Details of landscaping at the site are also shown on the plans.

Access will be taken from Laund Road with turning heads being created on site.

An integral garage and two parking spaces are proposed for each unit.

## History of negotiations/amendments received

No negotiations or amendments have been sought as part of the application. However, additional drainage information has been sought. Final information was received on the 28th February 2023.

## Relevant Planning History

At the application site:

2019/93498 Reserved matters application for erection of 5 dwellings pursuant to outline permission 2016/91309 for erection of residential development with access point from Laund Road – Granted.

2016/91309 - Outline application for residential development with access point from Laund Road –Granted

Neighbouring properties:

2023/91560 Erection of replacement dwelling – Pending consideration (10 Peat Ponds)

2023/90555 Alterations to existing cottage, conversion and extension of an existing barn to form one new dwelling and erection of detached double garage with associated external works and landscaping – Granted (6-8 Peat Ponds)

2019/90342 Variation condition 2 (plans) and condition 3 (materials) on previous permission 2018/91189 for demolition of existing bungalow and erection of new dwelling – Granted (176 Laund Road)

2018/93928 Non material amendment to previous permission 2018/91189 for demolition of existing bungalow and erection of new dwelling – Approved (176 Laund Road)

2018/91189 Demolition of existing bungalow and erection of new dwelling – Granted (176 Laund Road)

## Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 15th June 2022.

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

## Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways DM: No objection subject to conditions regarding surfacing and the method of storage/access for waste.

KC Environmental Health: No objection subject to conditions regarding air quality and noise.

KC Minerals: No comments received.

KC Lead Local Flood Authority (LLFA): Given the additional information submitted and following a site visit, Drainage officers propsoed separate systems for surface water resulting to 3 l/s for new buildings. The detail design of the attenuation tank can be submitted at the design stage. As such, an appropriately worded condition should be attached to the decision notice requiring separate foul and surface water drainage for the site.

**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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP34 – Conserving and enhancing the water environment
- LP52 – Protection and improvement of environmental quality

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 wide choice of high-quality homes

• Chapter 12 – Achieving well design places
• Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
• Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD):

• Housebuilders Design Guide SPD (2021)
• Highways Design Guide SPD (2019)

**Assessment**

The following matters are considered in the assessment below:
1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

**1. Principle of development**

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Background

The principle of developing the site for residential development has previously been granted by the outline application 2016/91309. This was consequently followed by the reserved matters 2019/93498 for the erection of 5 dwellings and for access to be taken from the south of 176 onto Laund Road. As such, given that this permission has now lapsed the application is a resubmission, whereby the previous scheme is considered to be a material consideration in which establishes the principle of development at this site.

Housing supply

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Policy LP11 of the Kirklees Local Plan requires that ''all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need''.

Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

This is mirrored within Policy LP7 of the Kirklees Local Plan which states that proposals should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value. In this instance, the applicant is seeking permission to erect 5 dwellings in which would fall short of the 35 dwellings per hectare, as 12 dwellings could be provided based on-site area. However, given the constraints regarding access and neighbouring amenity, officers consider the reduced density to be acceptable, in order to enhance and retain acceptable levels of amenity.

It is therefore concluded that the principle of development is acceptable and shall be assessed against the applicable material planning considerations within the following report.

**2. Impact on visual amenity**

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’’.

The Housebuilders Design Guide SPD is also relevant which sets out a number of design principles, the key ones related to this application are:

Principle 2 states that development should, take 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 5 states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 8 states the transition from urban to open land should be carefully considered where development is located on the edge of the urban area.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Principle 14 states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

In relation to scale, massing and appearance of the proposed dwellings, they are to be two storeys in height. The dwellings are to comprise of a simple construction including pitched roofs and gable protrusions to the front. Each dwelling would also benefit from dormer windows and a flat roof single storey element to add a contemporary twist. The properties are to be constructed predominantly from natural stone with concrete tiled roofs. The sunrooms would be finished in a timber clad. Such materials have been considered acceptable and would accord with Principle 13 of the Housebuilders Design Guide.

Each dwelling would have a footprint of 98 sq. m and a ridge height of 9m. In terms of design, officers have noted that the scheme would be identical to that

previous approved under application ref 2019/93498, which forms a material consideration for this application.

In terms of wider amenity, it has been noted that the design would be somewhat in keeping to the surrounding built form in which predominantly consists of detached stone dwellings. In addition, given the drop in land levels and that the site is tucked away to the rear of 176 Laund Road, it would not be widely visible from public vantage points. Nonetheless, the design, bulk and massing has been considered acceptable for this location.

Moving on to amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses that outdoor amenity areas. It highlights external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. In this instance, each dwelling would have a moderately sized garden. Whilst these would be smaller than no's 176, 168, 166, they would still provide a high level of amenity for the future occupiers.

Small front gardens would also be provided to each dwelling. This would help mitigate against the street scene been totally dominated through hardstanding for the parking arrangements. Whilst parking to the side of the dwellings would be ideal, this is restricted due to the integral garages and therefore the arrangement proposed can be supported.

In addition, the amenity areas of plots 2 -5 would be subject to direct sunlight all day, due to their south facing gardens. Adequate natural light would also be available to plot 1 and therefore it is considered that the proposed amenity spaces would meet the requirements of Principle 17 of the Housebuilders Design Guide.

In conclusion, the dwellings are considered to be appropriate in size and scale for the location and would not appear out of character or overly prominent in the general context of this site. Weight has also been afforded to the previous permission in which has now lapsed, as the scheme would be identical. On this basis, the development is considered to accord with the requirements of Policy LP24, Chapter 12 of the National Planning Policy Framework and guidance contained within the Housebuilders Design Guide SPD.

**3. Impact on residential amenity**

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

The Housebuilders Design Guide SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state: Principle 6 – Residential layouts must ensure

privacy and avoid negative impacts on light for two storey houses typical minimum separation distances are advised as:
• 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.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

In this case, neighbouring properties with the most potential to be impacted by the proposed dwellings are discussed below.

176 Laud Road

176 Laund Road is the residential dwelling in which would be located to the west of plot 1 and would also be situated to the north of the proposed access. It has been noted that a separation distance of 19m would be retained from these neighbour's rear elevation to the side elevation of plot 1. As such, officers are satisfied that there would be no undue overbearing or overshadowing as the separation distance would exceed the SPD in terms of relationships between habitable and non-habitable rooms.

In terms of overlooking, the submitted plans also show only a bathroom window to be installed at first floor within the nearest facing side elevation, which is likely to be obscurely glazed. Future ground floor openings would be obscured by the existing boundary fence and hedge.

As such, there would be an acceptable level of amenity retained at these neighbours.

166 and 168 Laund Road

166 and 168 Laund Road are the neighbouring properties to the west and south west of plot 2. It has been noted that a separation distance of 19m would be retained to these neighbours two storey rear elevation, along with 16m to their extensions. As such, there would be no material overbearing and overshadowing from the bulk and massing proposed.

With regards to openings, the submitted plans show only a W/C to be proposed at ground floor within the nearest facing side elevation of plot 2. This would be obscured by the existing boundary treatment and any new first floor side openings would need to be fitted with obscure glazing. As such, there would be no further loss of privacy at these neighbours.

164 Laund Road

164 Laund Road is a block of residential flats to the west of the application site. This property would be adjacent to plot 5. As outlined above, a sufficient separation distance of 21m would also be retained to the nearest eastern elevation at no. 164. The submitted plans also show no first floor windows to be inserted into the western facing elevation of plot 5, with the ground floor window being obscured by the boundary treatment. As such, officers are satisfied that the development would not give rise to any material overbearing, overshadowing or overlooking onto these neighbours' amenity.

160 Laund Road

Planning permission has been granted for the rebuilding of no. 160A Laund Road due to a fire resulting in the dwelling being knocked now. Nonetheless, the plans show the building as approved and therefore, appropriate separation distances would be provided. For example, 12m would be retained for the nearest rear elevation at plot 4, to the side elevation of no. 160A. As approved, the planning permission for no. 160A Laund Road also shows the first floor opening to serve an en-suite which is likely to be fitted with obscure glazing. At ground floor, a kitchen window is proposed. As such, the development would accord with the recommended separation distances and therefore there would be no undue loss of privacy at these neighbours.

Lastly, in terms of overbearing and overshadowing, this property is situated to the south and therefore any impact would not be detrimental.

162 Laund Road

Given the triangular nature of the garden to no. 162 Laund Road, a small parcel would be adjacent to Plot 5 and its outdoor garden. Given that the existing boundary treatment would be retained which includes a 1.8m timber fence, officers are satisfied that the proposal would not prejudice these neighbours future amenity.

Amenity of future occupiers of the proposed dwellings

Consideration must also be given to the amenity of future residents of the proposed dwellings. Internally, the dwellings would have a GIA that would comfortably exceed the minimum spaces standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwellings would provide an adequate standard of amenity for future occupiers. In addition, habitable rooms within the dwellings all have access to at least 1 window and therefore outlook and natural light are considered to be acceptable.

Finally, in terms of amenity space, principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is

functional and proportionate to the size of the dwelling and the character/context of the site is provided.

In this instance officers consider that the amount of private amenity space provided for the proposed dwellings would be adequate given the size of the dwellings and the context of the area.

In terms of potential noise disturbance for future occupiers, Environmental Health have raised concerns about the potential for noise disturbance from road traffic on the M62 and A643 Lindley Moor Road and therefore have requested that a noise report is submitted prior to works on the superstructure commencing. This is to accord with Policies LP24 and LP52 of the KLP.

In conclusion, taking the above into account, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted Housebuilders Design Guide SPD.

**4. Impact on highway safety**

Turning to highway safety Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, principles 12 and 19 of the Housebuilders Design Guide seeks to ensure that acceptable levels of off-street parking and waste storage are provided. 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

In terms of parking provision, the Kirklees Highways Design Guide outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for residential development, 5 bedroomed dwellings should provide at least 3 off-street car parking spaces.

In this case, KC Highways DM have been formally consulted, acknowledging that the proposal is a resubmission of the previous lapsed application, whereby the layout remains the same.

Each dwelling is to have five bedrooms and include an integral garage, with additional space for two vehicles on the driveways. Two visitor spaces are also provided. Whilst the garages only measure 5m in length, which is below the recommended dimension in Manual for Streets, a utility room is already proposed within the internal layout for the dwellings which could be used for white goods and there also being extensive room in the gardens for additional storage space. As such, in this instance, the shorter garages are deemed acceptable on balance.

Bin storage pads are shown on the proposed site plan, drawing no. 1685-19-001(A). A refuse vehicle turning area is to be provided. It is apparent that the turning heads are designed to adoptable standard (despite not being put up for adoption) and are therefore able to accommodate a refuse vehicle.

As such, the development is considered acceptable subject to conditions regarding the laying of hard surfacing within a permeable surface and details of suitable storage and bin presentation points.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and principles 12 and 19 of the Housebuilders Design Guide SPD.

**5. Other Matters**

Climate Change

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

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Policies LP5, LP24 and LP51 state that all new developments should be served by Electric Vehicle Charging Points. Conversely, since the Local Plan was adopted Building Regulations S 2021 edition (came into effect June

2022). This building regulations makes the installation of a minimum of 1 EVCP per dwellings mandatory. Planning conditions should not repeat separate legislation and therefore conditions for the delivery of EVCP are no longer considered reasonable or necessary.

Biodiversity

The site is located within a bat alert area on the Council's internal database. In accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide, a condition is recommended requesting that 1 integral bat roosting feature is incorporated into the southern elevation of each new dwelling, at least 4 metres above ground and not directly above doors or window. This bat roosting feature shall be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.

Drainage

A Drainage Strategy has been submitted with this application and this has been reviewed by KC LLFA. In this instance, the septic tank on site is not in use for the current property, instead a wet well for a private pump station. The surface water for the existing property is on a combined pump system and there is not any practicable opportunity to amalgamate the surface water for the existing building and new builds and restrict to a brownfield run off rate.

Therefore, separate systems with surface water restricted to 3l/s for the new buildings is required. This can be controlled via condition and more details can be submitted via a discharge of condition application.

## 6. Representations

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

## 7. Conclusion

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

This application has been assessed against relevant policies in the development plan and other 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:** 2022/91455
**Officer Recommendation:** Approve

**Conditions and Reasons:**

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP34, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 12, 14 and 15 of the National Planning Policy Framework, and Principles 4, 5, 6, 12, 13, 14, 15, 16, 17 and 19 of the Councils Adopted Housebuilders Design Guide SPD, and the Council's adopted Highways Design Guide.

3. The development hereby permitted shall be constructed in accordance with the materials specified on the approved Plans and Elevations for each house type set out on Dwg. No.s 1685-19-002 Rev B. 1685-19-003 Rev B and 1685-19-004 Rev B.
**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the uses specified on the submitted plans.
**Reason:** In the interests of amenity and traffic safety. To prevent an increase in surface water run-off leading to increased flood risk and in accordance with Kirklees Local Plan Policies LP21 and LP28 and LP34 and the aims of Chapter 14 of the National Planning Policy Framework.

5. The development and the works comprising the landscaping scheme as detailed on the hereby approved site layout plan Dwg. No. 1685-19-001 Rev

A shall be carried out within the first available planting season following the commencement of development unless a revised timetable is agreed in writing with the Local Planning Authority. The approved soft 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. The existing and proposed timber fencing shall be retained in accordance with the details shown on Dwg. No. 1685-19-001 Rev A.
**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity of the site, to retain the privacy of existing and future residents and in accordance with Policies LP24, LP30 and LP32 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

6. A bat roost, in the form of a Schwegler bat box Type 27 or similar, shall be installed on a south facing elevation of each property at least 4 metres above the ground and not located above windows or doors during the period of construction and before first occupation of the dwelling to which it relates. The boxes so provided shall thereafter be retained.
**Reason:** In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Before development commences on the superstructure of the dwellings hereby approved, 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 to meet the requirements set out in Local Plan Policy LP24 part d(vi).

8. Before construction work commences on any dwelling hereby approved, a report specifying the measures to be taken to protect the development from noise from road traffic on the M62 and A643 Lindley Moor 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 interest of the amenity of the occupiers of the nearby properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and aims of the National Planning Policy Framework.

9. Notwithstanding the submitted information, development shall not commence until a separate foul and surface water drainage scheme is provided. The surface water scheme restricting the rate of discharge from the site to a maximum of 3 litres per second has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm events with an appropriate allowance for climate stage without flooding. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.
**Reason:** To ensure the effective disposal of foul and surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

**NOTE:** All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

**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) with regard to 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:** Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00hours, Saturdays
With no noisy activities on Sundays or Public Holidays
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:** 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.

Plans and specifications schedule:

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location plan | 1685-19-005 | - | 28th April 2022 |
| Proposed site plan | 1685-19-001 | A | 28th April 2022 |
| House type A | 1685-19-002 | B | 28th April 2022 |
| House type B | 1685-19-003 | B | 28th April 2022 |
| House type C | 1685-19-004 | C | 28th April 2022 |
| Sustainable Drainage Assessment | 78228R2 | - | 28th February 2023 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no negotiations or amendments have been sought as part of the application. However, additional drainage information has been sought. Final information was received on the 28th February 2023.

REPORT DATED: 25/9/2023