KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2022/70/91553/W**
Site Address:	29, Gernhill Avenue, Fixby, Huddersfield, HD2 2HR
Description:	Variation of condition 2 (Plans and Specification) on previous permission 2021/90888 demolition of existing dwelling and erection of detached dwelling with integral garage
Recommending Officer:	Stuart Howden

DECISION – Approve Variation of Condition.

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 01-Aug-2022

Officer Report

Site Description

29 Gernhill Avenue, Fixby, Huddersfield, HD2 2HR

No.29 Gernhill Avenue comprises a detached bungalow dwelling constructed from stone, brick and render under a tile roof, set within a relatively spacious plot. The dwelling is set back from the highway of Gernhill Avenue, which it faces, and there is a driveway to the front of the dwelling which is accessed off Gernhill Avenue. The site benefits from a relatively sizeable front and rear garden. To the front of the site is a dwarf wall with planting screening parts of the site from the highway. A spring runs under the rear garden of the property.

The site is sited towards the end of a residential cul-de-sac comprising detached dwellings, ranging from single storey to two storey in height. Dwellings tend to be set back from the road, but dwellings vary in terms of form and detailing. The surrounding land slopes down from west to east. To the rear of the site is a woodland (Gernhill Wood) which is designated as part of the Kirklees Wildlife Habitat Network and is within the Green Belt.

The site is not within a conservation area and is not within close proximity to any listed buildings.

Description of Proposal

Planning permission is sought to vary condition 2 of 2021/90888 for the demolition of the existing dwelling on the site and the erection of a replacement detached dwelling with an integral garage, which was granted on 9th July 2021.

Condition 2 of permission 2021/90888 relates to the plans and details approved under the application, and reads as follows:

"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 LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP33, LP51 and LP52 of the Kirklees Local Plan and Chapters 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework."*

This Section 73 application seeks to vary the approved plans due to design changes proposed in these revised plans. The proposal seeks to add a basement to the approved scheme. This would include gym, spa and relaxation room and the basement level itself would not extend beyond the walls of the approved dwelling. However, external access to the basement is proposed, with stairs and courtyard to the rear of the dwelling (with railings a

ground floor level around the courtyard). Openings are proposed to overlook this courtyard area. The walls of the dwelling at basement level appear to be constructed from materials to match the existing dwelling, whilst details of the retaining wall for the courtyard are limited.

History of negotiations/amendments received

Amended plans were provided after Officers requested clarity on matters. However, these plans did not alter the external appearance of the scheme, and as a consequence, it was not considered necessary to re-consult on receipt of these amended plans.

Relevant Planning History

2021/90888 – Demolition of existing dwelling and erection of detached dwelling with integral garage – Approved on 9th July 2021. This current application seeks to vary condition 2 of 2021/90888.

2020/93759 – Demolition of existing dwelling and erection of detached dwelling with integral garage – Withdrawn on 10th December 2020 due to Officer concerns with the scale and design of the development. Pre-application discussions took place after this and prior to the submission of 2021/90888.

97/91915 – Erection of Sun Lounge Extension and New Pitched Roof to Existing Garage – Approved on 15th August 1997.

94/91089 – Erection of Ground Floor Extension – Approved on 27th May 1994.

Representations

Final publicity date Expires:
Neighbour letters expired on 27th June 2022.

No representations were received, however a third party had raised verbal concerns with the case officer in relation to the impact of the proposal on the stability of neighbouring land.

Consultation Responses

KC Building Control: *"It is the developers responsibility to ensure that the house is on a suitable foundation, and does not pose a risk to either the occupants or the surrounding area… Looking at our records of development of surrounding properties shows that the ground conditions present in these locations is Sandstone or Firm Stoney Clay, both of which can be built off. It would be reasonable to assume that the ground conditions in the area of the proposed development will be similar. A Building regulations application would be required, and the Building Control Body chosen to inspect will ensure that stability is achieved."*

KC Environmental Health: No objections subject to conditions.

KC Highways Development Management: No comments received

KC Trees: No comments received.

The above is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning Webpage.

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 Proposals 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 27** – Flooding
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – 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 Sufficient Supply of Homes
- **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 (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (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 – e.g. trees/ecology (e.g. bats)
5) Representations
6) Review of Planning Conditions
7) Conclusion

1 – Principle of development:

In this instance, the principle of the erection of a replacement dwelling at the site has already been established through the approval of planning application 2021/90888.

This application looks to vary the design of the dwelling and this could be acceptable subject to the impacts upon the visual amenities of the locality, residential amenity, highways safety as well as other matters, which will all be discussed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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…"

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 5 of this SPD states that: *"Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography."*

In addition to this, 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 variation of condition application only looks to add a basement which would not lead to a change in the overall siting of the dwelling. Most of the basement would be contained under the existing dwelling, whilst the only visible elements of the proposal would be of part of the rear elevation of the basement as well as the modest courtyard area serving it. These elements would not be clearly visible from the streetscene due to their siting and nature. Condition 3, which requests details of finishing materials of the dwelling, can be amended to include finishing materials of the retaining wall of the basement as well. It will be expected that the materials for the basement wall and retaining wall are similar to those on the proposed dwelling.

It is therefore considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is

considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework, as well as Principles 2, 5, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *"They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings".*

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 proposal would not extend the dwelling further outwards than already approved at ground floor level and above. It would result in a courtyard area beyond the rear wall, but as this area is set below ground level and basement windows would face towards retaining walls it is considered that the proposed revision would not result in additional undue harm to the next door neighbouring properties of No's. 27 and 31 Gernhill Avenue in terms of loss of light, loss of privacy or overlooking, the creation of an overbearing effect or loss of outlook.

With regard to Principle 16 of the Housebuilders Design Guide SPD, the proposal would provide further internal living space. In relation to Principle 17 of this SPD, the proposal would only result in a very limited loss of external amenity space. Of note, the rear garden is relatively generous in size. The proposed alterations would therefore result in a good standard of amenity for future occupiers of the proposed property.

Given the above, it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework, as well as Principles 6, 16 and 17 of the Kirklees Housebuilders Design Guide SPD.

4 – Impact on highway safety:

Whilst the proposal would result in additional living space at the dwelling, it would not result in the loss of any of the parking area initially approved and no bedrooms are proposed at basement level. Whilst it is noted that the basement could be used for bedrooms, even if this is the case, Officers are satisfied that sufficient parking is provided on site for such a development when referring to the Kirklees Highways Design Guide parking guidance. No alterations are proposed to the site access.

Given the above, Officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network. The proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework, as well as Principle 12 of the Kirklees Housebuilders Design Guide SPD and advice within the Kirklees Highways Design Guide SPD.

5 – Other matters:

Trees:
The proposed basement and courtyard would be some distance from the adjacent woodland. This development would also not encroach into the exclusion zones for materials and machinery which have been conditioned, and can be conditioned again.

Ecology:
Principle 9 of the Kirklees Housebuilders Design Guide SPD states that proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.

It is considered that the introduction of a basement would not increase the likelihood for harm to protected species. It is considered that the measures within the already approved ecological report, including the provision of a bat box on a tree to the west would not be compromised by the proposed alteration.

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 Kirklees Housebuilders Design Guide SPD sets out that new proposals should contribute the Council's ambition to have net zero carbon emissions by 2038.

It is considered that the proposed alteration to the scheme does not require additional measures above what has already been approved at the site (EV charging space) so as to combat climate change.

Drainage:
A culvert/underground stream runs through the rear garden of the site, as well as through the next door neighbouring properties. Previously, there were

considered to be no concerns provided measures were taken to avoid damage to the culvert during construction operations and there are no landscaping proposals to reduce the depth of cover above the pipe. A Culvert Protection Plan was submitted with 2021/90888, which displayed a ground protection mat over the culvert and that this would also act as an exclusion zone for the storage of plant, machinery and materials. Such an arrangement was previously considered acceptable and as the basement and courtyard area would be some distance away from this culvert exclusion zone, it is considered that there are no new concerns in relation to drainage. Compliance with this previous drawing can therefore, again, be conditioned.

Construction Practices:
The Council's Environmental Health Officer has requested that construction site working times are conditioned. Given that construction practices are covered by other regulations it is not considered necessary or reasonable to attach such a condition, but an informative regarding such practices can be attached instead.

Structural Stability:
A third party has, verbally, raised concerns in relation to structural stability and the impact on the neighbouring land. Structural matters are not a material planning consideration in this case and these are a matter controlled under building regulations. Nonetheless, Officers consulted building control for completeness. Building Control stated the following:

"It is the developers responsibility to ensure that the house is on a suitable foundation, and does not pose a risk to either the occupants or the surrounding area. The developer may conduct a site investigation, in order to ascertain the ground conditions present. Looking at our records of development of surrounding properties shows that the ground conditions present in these locations is Sandstone or Firm Stoney Clay, both of which can be built off. It would be reasonable to assume that the ground conditions in the area of the proposed development will be similar.

A Building regulations application would be required, and the Building Control Body chosen to inspect will ensure that stability is achieved."

6 – Representations:

No representations were received, however a third party had raised verbal concerns with the case officer in relation to the impact of the proposal on the stability of neighbouring land. This is addressed above in the assessment.

7 – Review of Planning Conditions:

The conditions attached 2021/90888 are set out below:

The following conditions will be re-issued as they are considered to remain relevant:

- 1. Time.

- 4. Hard landscaping scheme.
- 5. Laying out and draining of the parking area and private driveway.
- 6. Provision of electric vehicle charging point.
- 7. Development in accordance with ecological measures of the bat survey.
- 9. Compliance with Culvert Protection Plan.
- 10. Permitted development right removal within Classes A, B, D and E of Part 1.
- 11. Upper floor windows in west side elevation to be fixed shut and obscurely glazed.
- 12. First floor bay windows as detailed to be obscurely glazed shall be fixed shut and obscurely glazed.

The following conditions shall be reworded:

- 1. Time: to ensure the permission does not exceed the 3-year time period to commence development set out in the original permission.

- 2. Approved plans: The plans and specification table will be amended to reflect the plans approved under this Section 73 application.
- 3. Details of the external and roofing materials: This can be amended to include details of the retaining wall for the courtyard of the basement too.

8 – 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: 2022/91553
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun before 8th July 2024.
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 LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP33, LP51 and LP52 of the Kirklees Local Plan and Chapters 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, as well as the Kirklees Highways Design Guide SPD and Kirklees Housebuilders Design Guide SPD.

3. Prior to construction of dwelling hereby approved above slab level, details of all the external facing and roofing materials of the dwelling, as well as the finishing materials for the retaining wall of the rear courtyard shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling and retaining wall shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD.

4. Prior to the first occupation of the dwelling hereby approved, and notwithstanding the hard landscaping details in Drawing No. P-3 received on 27th April 2021 pursuant to application 2021/90888, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for hard landscaping the site shall include:

- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps; and
- the position, height and materials of means of enclosure/boundary treatments including privacy screens.

The hard landscaping elements shall be retained as such thereafter.
Reason: To ensure the creation of a pleasant environment for the development, in the interests of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 2 of the Kirklees Housebuilders Design Guide SPD

5. Prior to the first occupation of the dwelling hereby approved, the areas indicated to be used for parking and private driveway on Drawing No. P-3 received on 27th April 2021 pursuant to application 2021/90888 shall be 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework, as well as Principle 12 of the Kirklees Housebuilders Design Guide SPD.

6. Prior to the first occupation of the dwelling hereby approved, one electric vehicle recharging point shall be installed within the dedicated parking area. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework, as well as Principle 18 of the Kirklees Housebuilders Design Guide SPD.

7. The development shall be carried out in strict accordance with the ecological measures outlined Section 11 (Mitigation and Compensation Measures) of the Bat Scoping Survey by John Gardner dated 23rd March 2021 pursuant to application 2021/90888, and shall be retained as such thereafter**.**
Reason: To prevent disturbance of protected species and retain ecological functions of the Kirklees Wildlife Habitat Network and to ensure a biodiversity net gain, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework, as well as Principle 9 of the Kirklees Housebuilders Design Guide SPD.

8. Prior to the commencement of development hereby approved (including demolition), on site protective fencing in accordance with BS5837 shall be erected in accordance with the Tree Protection Plan (Drawing No. T-1) pursuant to application 2021/90888. The red dashed area contained by the protective fencing as displayed on this plan will be a construction exclusion zone where no machinery, soil, materials or equipment will be stored during the development. The fencing shall remain in place throughout the construction phase and only be removed once construction is complete. Reason: This is a pre-commencement condition to protect trees during the whole demolition and construction period in the interests of visual amenity and

to accord with the Policy LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
Reason: To protect trees in the interests of visual amenity and to accord with the Policy LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 2 of the Kirklees Housebuilders Design Guide SPD.

9. Prior to the commencement of development hereby approved (including demolition), a culvert ground protection mat shall be laid out in accordance with the Culvert Protection Plan (Drawing No. C-1) pursuant to application 2021/90888. The mat will be a construction exclusion zone where no machinery, soil, materials or equipment will be stored during the development. The mat shall remain in place throughout the construction phase and only be removed once construction is complete.
Reason: To prevent the risk of flooding on the site and elsewhere arising from damage to the culvert, in the interests of amenity and environmental well-being, and to accord with Policy LP28 and the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To prevent further development of the site, which could materially harm the visual amenity of the site and the amenity of neighbouring residents, to mitigate flood risk through potential damage to the culvert crossing the site to comply with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework, as well as Principles 2 and 6 of the Kirklees Housebuilders Design Guide SPD.

11. Prior to the first occupation of the dwelling hereby approved, any windows above ground floor level in the west side elevation of the development hereby approved shall be fixed shut (unless parts of the windows which can be opened are more than 1.7 metres above floor level), and obscure glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 6 of the Kirklees Housebuilders Design Guide SPD.

12. Prior to the first occupation of the dwelling hereby approved, the first floor bay windows on the rear elevation detailed as to be obscurely glazed on Drawing No. P-2 received from the applicant pursuant to application 2021/90888 shall be fixed shut (unless parts of the windows which can be opened are more than 1.7 metres above floor level), and obscure glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees

Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 6 of the Kirklees Housebuilders Design Guide SPD.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 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: 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.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form pursuant to application 2021/90888	-	-	3rd March 2021

Location Plan pursuant to application 2021/90888	P-4	-	3rd March 2021
Proposed Floor Plans	P1	-	25th July 2022
Proposed Elevations	P2	-	25th July 2022
Culvert Report pursuant to application 2021/90888	-	-	24th May 2021
Culvert Location Plan pursuant to application 2021/90888	-	-	28th May 2021
Bat Scoping Survey by John Gardner dated 23rd March 2021 pursuant to application 2021/90888	-	-	24th May 2021
E-mail from applicant on 11th June 2021 detailing proposed roofing materials pursuant to application 2021/90888	-	-	11th June 2021
Tree Protection Plan pursuant to application 2021/90888	T-1	-	23rd June 2021
Culvert Protection Plan pursuant to application 2021/90888	C-1	-	23rd June 2021
Interpretive Report on a Ground Investigation by GEOENVIRO Solutions Limited dated May 2021	GES 1402-21	-	6th May 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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. Amended plans were provided after Officers requested clarity on matters and the scheme was considered acceptable following receipt of such plans.

Report Dated: 29.07.2021