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:	**2022/70/92185/W**
Site Address:	410 & 412, Birkby Road, Birkby, Huddersfield, HD2 2DN
Description:	Variation condition 2 (plans list) on previous permission 2021/91239 for demolition of existing dwellings and garage and erection of two detached dwellings, amending the design of the windows, including garage space as a habitable room, insertion of roof lights to the northern elevation and incorporation of second floor within the roof space
Recommending Officer:	John Holmes

DECISION – Variation of Condition 2 Approved

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.

Stuart Howden

AUTHORISED OFFICER

Date: 23-Sep-2022

THE SITE

The application site previously accommodated 2 stone built detached dwellings and is located off a private road which leads from Birkby Road. The dwellings which previously stood at the site comprised of a bungalow (no.410) and a two storey dwelling (no.412), with no.412 set at a right angle to no.410. A detached garage, as well as a detached garage and office were located to the south of the dwellings adjacent to the driveway and parking area. A bank of protected trees is located to the east of no. 410 with further protected trees to the north and west of the site

Surrounding the site to the south is a church (Church of Latter Day Saints) and associated car park, to the east is the rear of properties off a residential cul de sac (Valley Head). To the west is land that falls within housing allocation HS35 and existing dwellings off Westward Croft. To the north is a protected woodland. Stone is the predominant construction material in the local area and detached dwellings the most common form of property type.

The Edgerton Conservation Area is located to the south of the access to the site off Birkby Road.

THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for the variation of condition 2 (plans list) on previous permission 2021/91239 which granted consent for the demolition of existing dwellings and garage and erection of two detached dwellings.

The proposed variation of condition 2 would see plans that amend the design of the openings, including integral garage space as a habitable room, insertion of roof lights to the northern elevation and incorporation of second floor within the roof space of one of the dwellings (No.410) approved by consent 2021/91239 (dwelling detailed upon on drawing 212111RevC submitted as part of that application).

During the course of this application amended plans were submitted (ref:- 13RevE) which included an obscure glazed screen to one balcony on the east side. Given the amended plan included an element of the scheme which was required by condition upon the original consent it is not considered necessary for readvertisement of the amended plan in this case and the scheme as advertised was considered to adequately alert the public as to the nature of the proposal.

Construction works are currently being undertaken at the site with two dwellings being built.

PLANNING HISTORY

The most relevant planning history for the site relates to the following:-

2022/90191 (No.410 Birkby Road) – Extension and alterations to existing garage/office building to create dwelling forming annexe associated with No.410 Birkby Road – **Approved** 22nd April 2022.

2021/91239 – Demolition of existing dwellings and garage and erection of two detached dwellings – **Approved** 16th September 2021. This current Section 73 applications looks to vary condition 2 of this permission.

Other planning history for the site relates to the following: -

2013/93405 – Variation of condition 8 on previous permission no. 2002/92426 for erection of detached bungalow with integral garage – Approved on 2nd December 2013.

2013/90996 – Erection of detached garage with storage space and office above – Approved on 3rd June 2013.

2012/92071 – Works to TPO(s) 14/75 – Granted on 22nd August 2012.

2012/90800 – Works to TPO(s) 14/75 – Refused on 2nd May 2012.

2005/90731 – Erection of granny flat over detached garage – Approved on 13th July 2005.

2002/92426 – Erection of detached bungalow with integral garage – Approved on 1st September 2002.

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as on the Council's website and by neighbor notification letter. The expiry date of the publicity period was 11th August 2022.

[Note – The word 'letter' below should be taken to include hand-written letters, emails and online representations]

Letters of Representation

Six representations have been received, the following is a summary of all points/concerns raised:-

- Overlooking was identified as possible during the processing of the previous application.

- A full-sized obscured glazing panel to the balcony and obscured glazing to the windows should be provided so that there is no direct view into no's. 7 and 9 Valley Head.
- The proposal would see overlooking occur.
- The applicant is seeking to maximise the amount of habitable floorspace
- Conversion of the garage block to ancillary accommodation would mean little area for storage of domestic paraphernalia – this may result in the area of protected woodland for storage detrimental to the health of the protected trees.
- Future occupants should not encroach the area of woodland for ancillary storage as this may further reduce the amenity of the occupiers at No.9.
- There appears to be a mistake on the drawings as the "east" and "west" elevations appear to have been transposed.
- Conditions previously recommended are carried forward and reflected in these proposals
- Unlikely sufficient parking would remain given a detached triple garage/ home office has permission to be converted into a separate 2 bedroomed house.
- If approved, the result of the 3 separate applications for the same site will be in direct contradiction to the architect's and applicant's planning statement to justify the demolition of the existing house and bungalow, considered by the planners in reaching their decision to approve.
- When several cars are parked in front of 410, there will be limited space for deliveries and turning.
- Deeds do not allow for the use of the detached building as an annexe.
- Block plan is incorrect, i.e. it doesn't reflect the approval of the garage to a detached two bedroom house.
- There is little need for additional living space as the properties are large.
- No further building erections should be permitted on this site to avoid the over use of the land.
- Oversized building accessing the site impacts on ecology and causes nuisance to neighbours.
- Contractors do not clean the lane during construction works.
- Inconsistencies with the materials referenced to in the submitted plans .
- Noise, music and swearing from contractors causes disruption to neighbouring occupiers.
- The proposal relates to 410 and not 412 Birkby Road therefore the application has been advertised incorrectly.
- Would the proposal increase the height of the dwelling.
- Do not wish for further applications at the site if this application is approved/An application for a new detached garage somewhere on the site to compensate for the loss of parking should not follow this application.
- Hope all building details and dimensions are checked to ensure compliance with approved plans.

Ward Member Responses

Local ward members have made comment regarding the application and confirmed they do not wish to request the application be heard at committee.

CONSULTATIONS

The following consultation has been undertaken for this application with the summarised response listed below.

KC Highways – No response received

The above consultee is discussed in greater length within the 'Assessment' section of this report.

ALLOCATION AND POLICIES

The following allocation and policies were considered relevant to the consideration of consent 2021/91239

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

The site is allocated is unallocated on the Kirklees Local Plan. The following Policies are therefore relevant.

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – contamination and unstable land

Supplementary Planning Documents (SPDs):

- Kirklees Highway Design Guide (Adopted)
- Kirklees Housebuilder Design Guide (Adopted)

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

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

ASSESSMENT

This Section 73 application seeks minor material variations to a number of the originally approved plans (refs:- 2165-01, 2165-02 and 2165-13 RevE) which have come about by a change in the design of one of the dwellings approved under planning application ref: 2021/91239.

It is noted the access for the site is adjacent to the Edgerton Conservation Area however, in this case, given the nature of the development being considered relates alterations to one of the dwellings that has been approved and the subsequent requirement to amend the plans list it is not considered that it is relevant to consider the impact upon the setting of the Conservation area in this case. It is considered the dwelling under consideration is a sufficient distance such that the requirements of Policy LP35, policies within Chapter 16 of the NPPF and Section 72 of the The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 are not considered to be relevant to the consideration of this application.

It is considered that the key determining issues in the consideration of this application are the impact upon visual amenity, access and highway safety, and residential amenity. The National Planning Policy Framework has not been amended with regard to the determining issues considered applicable in this case.

The determining issues are assessed as follows:-

Residential Amenity

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Principle 6 of the Housebuilders Design Guide SPD sets out 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.

Principle 16 of the Housebuilders Design Guide SPD seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015). Principle 17 of the Council's adopted House Builders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposal would increase the usable floorspace within the dwelling, which would see the dwelling provide ample space for the future occupiers, in accordance with Principle 16 of the Housebuilders Design Guide SPD.

Openings are proposed to the rear roofslope which would serve a games room, it is considered these would not significantly increase overlooking over and above that of the existing approved openings. Similarly, the additional openings to replace the garage door in the front elevation is not considered to significantly increase overlooking given it would be within the front elevation of the approved dwelling, which also has other openings within it.

There would be no significant additional built form, other than a privacy screen to the eastern elevation to the easternmost balcony in the rear (north) elevation. This is considered to be minor and not of such a scale as to be overbearing or lead to overshadowing of neighbouring occupiers.

A suitable level of private amenity space would serve the dwellings and as such it is considered that the proposal would not have a detrimental impact upon residential amenity.

It is considered that the proposed development would not lead to a significant increase in overlooking over and above that which the dwelling as approved would have. As such it is considered that the proposal is acceptable in this regard.

The proposal includes a screen to one of the balconies to ensure that that there are no direct views into the garden of no.s 7 & 9 Valley Head.

The proposal is therefore concluded to accord with the aforementioned policies.

Access, parking and highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide SPD and Principles 12 and 19 of the Housebuilders Design Guide SPD seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal is to convert an integral garage, to be used as habitable space. All parking would be on external areas to the front of the dwellings. The Council's Highways Team has been consulted regarding the proposal, whilst no response has been received it is considered the LPA is still able to determine undertake an assessment of the impact of the development in this regard.

The proposal would see both dwellings within excess of 3 parking spaces available to the front of the proposed dwellings. The Council's Highways Design Guide SPD and also Housebuilders Design Guide require a minimum of 3 spaces for dwellings with 4+ bedrooms. This standard would be met by the proposal.

Given the minor nature of the proposed variations set out within the submitted plans it is considered that the proposed development would not have a significant impact upon access / highway safety and would ensure sufficient parking is retained for both dwellings as part of the scheme

It is therefore considered the proposal would be acceptable in this regard, in accordance with the aforementioned policies.

It is recommended that condition no.5 (which relates to surfacing) of the original consent (ref:- 2021/91239) is included upon any grant of permission.

Visual Amenity

Local Plan Policies LP1, LP2 and most importantly LP24, are all 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.

Policy LP11 of the Kirklees Local Plan sets out 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.

Local Plan Policy LP24(a) 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'.*

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 the Housebuilders Design Guide SPD 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. To avoid dominating the street, Principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by Principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by Principle 14. 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.

The amendments to the proposal from that of the approved scheme would see glazing and brickwork in place of a garage door to the front elevation. A privacy screen to one side of the balcony to the eastern elevation of the easternmost balcony in the rear (northern) elevation is also included upon the submitted drawing. Five roof lights to serve a room in the roofspace, which is intended to be used as a games room, are also proposed upon the submitted plans.

It is recommended that any grant of permission is subject to the same conditions (no.3) of the original consent which required the material of construction to be natural stone.

It is considered the amendments are minor in terms of their scale and would not constitute such an amendment to the scheme from that as approved that would warrant refusal.

It is considered the amendments are of a suitable design consistent with that of the character of the approved dwellings and the proposal would be in keeping with the host property and wider locality.

It is therefore concluded the proposal would accord with the aforementioned policies in relation to visual amenity.

Review of conditions

In the instance of any grant of approval of a S73 application a new consent is issued by the LPA, as such all conditions upon the original consent are required to be reviewed and where necessary re applied or amended. This section sets out a review of all conditions upon consent 2021/91239

Condition no.1

This condition requires the development to be begun by 16th September 2024. As the development has already begun it is not considered necessary for this condition to be included upon any grant of permission.

Condition no.2

This condition relates to the plans list against which the application is being considered. It is recommended this condition is amended to refer to all drawings submitted as part of this application and the following drawings/documents submitted as part of application 2021/91239: -

212107, 212104, 212101, 212103, 212102, 212105D, 212110C, 212113B, 212112C, 212115B, Bat Survey (ref: MVE/LMG 041), Tree Protection Plan (ref: MVE_TPP_01_REVB), Arboricultural Impact Assessment and Method Statement (ref:- MVE/AM_021/2021/03, Phase 1 Ecological Survey Report (ref:- MVE/LA 028 26 02 2021), Examples of Retaining Walls document, 3d View of Site, 3d Views of Materials, Views from within the site, Examples of Retaining Walls on site, Examples of New Retaining Walls, House Angels 410 and 412, Other Houses in the Local Area, Valley Head Street View submitted as part of application 2021/91239

Condition no.3

This condition requires the dwellings to be faced in natural stone. It is recommended this condition is included on any grant of permission as worded.

Condition no.4

This condition requires that the new retaining walls required to facilitate the hereby approved development and as detailed on Dwg. No. 21 21 15B and Dwg. No. 21 21 05D submitted as part of application 2021/91239 (dated 16th September) shall be faced in natural stone or that should an alternative material be intended to be used details shall be submitted to and approved in writing by the Local Planning Authority.

It is recommended this condition is amended to make reference to the fact it relates to drawings submitted as part of application 2021/91239

Condition no.5

This condition requires that all areas indicated to be used for parking and the manoeuvring of vehicles on the approved plans have been laid out with a hardened and drained surface. It is recommended this condition is included as worded upon any grant of permission.

Condition no.6

This condition requires that the development shall be completed in accordance with the advice and directions recommendations) contained in the Arboricultural Impact Assessment and Method Statement reference (Morfe Valley Environmental Ltd, ref MVE/AM _021/2021/03 dated 02/07/21) and Tree Protection Plan (Morfe Valley Environmental Ltd, ref MVE_TPP_01_Rev B). It is recommended this condition is amended to make reference to the fact it relates to drawings submitted as part of application 2021/91239

Condition no.7

This condition requires that the 1.8 metre high obscurely glazed privacy screen detailed on Dwg. No. 21 21 10C that will be placed on the balcony that serves bedroom 2 of No.412 shall be installed and retained thereafter before the development is brought into use. It is recommended this condition is re worded to make reference to the fact drawing 21 21 10C was submitted as part of application 2021/91239 (dated 16th September).

Condition no.8

This condition requires that a 1.8 metre high obscurely glazed privacy screen shall be installed on the eastern side of the balcony that serves bedroom 2 of No.410 for the dwelling the subject of this application. It is considered this condition is required to be amended to make reference to the submitted plan and the requirement to provide the privacy screen annotated '1.8m High Obscurely Glazed Privacy Screen' upon submitted drawing 13RevE with obscure glazing that is a minimum grade 4, before the dwelling is brought into use.

Condition no.9

This condition requires that the 'home office' shall not be used for any commercial purpose beyond that of a private annexe office for purposes incidental to the enjoyment of the dwellinghouses. It is recommended this is included as worded upon any grant per permission.

Condition no.10

This condition requires that before the occupation of the dwellings two bat roosting features (1FR Schwegler bat tube or similar alternative) are installed to the eastern elevation(s) of each dwelling. It is recommended this is included as worded upon any grant per permission

Condition no.11

This condition requires that before the occupation of the dwellings, one electric vehicle recharging point shall be provided for each dwelling. It is recommended this is included as worded upon any grant of permission.

Other Issues

Insofar as they are not addressed elsewhere in this report, the following matters raised in objection are listed / addressed here: -

- The applicant is seeking to maximise the amount of habitable floorspace.

This maybe the case, but this is not grounds to refuse the planning application.

- Conversion of the garage block to ancillary accommodation would mean little area for storage of domestic paraphernalia. This could also cause harm to protected trees.

It is considered that, whilst there would be reduced space for storage for vehicles or other domestic paraphernalia within the dwelling, it would not be reasonable of the LPA to refuse permission on this basis.

- Future occupants should not encroach the area of woodland for ancillary storage as this may further reduce the amenity of the occupiers at No.9.

It is considered that this matter cannot be controlled and would be considered further by the LPA were such encroachment to arise.

- Block plan is incorrect, i.e. it doesn't reflect the approval of the garage to a detached two bedroom house.
- There appears to be a mistake on the drawings as the "east" and "west" elevations appear to have been transposed.
- If approved, the result of the 3 separate applications for the same site will be in direct contradiction to the architect's and applicant's planning statement to justify the demolition of the existing house and bungalow, considered by the planners in reaching their decision to approve.
- No further building erections should be permitted on this site to avoid the over-use of the land.

The application is being assessed on the basis of the information and plans as submitted which is considered sufficient to enable the LPA to undertake a decision upon this application.

- Unlikely sufficient parking would remain given a detached triple garage/ home office has permission to be converted into a separate 2 bedroomed house.
- There is little need for additional living space as the properties are large.
- An application for a new detached garage somewhere on the site to compensate for the loss of parking should not follow this application.

Condition no.4 of permission 2022/90191 requires that the annex building approved by that consent shall not be occupied at any time other than for

purposes ancillary to the residential use of the dwelling known as no.410 Birkby Road. Parking at the site is considered sufficient.

- Deeds do not allow for the use of the detached building as an annexe.

This is a legal matter and not a material planning consideration.

- The proposal relates to 410 and not 412 Birkby Road therefore the application has been advertised incorrectly.

This application relates to the amendment of one of the dwellings which formed part of the permission for the redevelopment of both 410 and 412 Birkby Road, as such it is considered the submitted plans and details / address of the site suitably reflect the development which is being considered.

Oversized vehicles accessing the site impacts on ecology and causes nuisance to neighbours
- Contractors do not clean the lane during construction works
- Noise, music and swearing from contractors causes disruption to neighbouring occupiers

It is considered limited weight can be afforded these matters given the nature of this application and fact the development can be undertaken in any event by virtue of the original consent.

- Would the proposal increase the height of the dwelling?
- Hope all building details and dimensions are checked to ensure compliance with approved plans.

The approved dwelling is annotated upon drawing 212111RevB as being 9.08m high to the topmost part of the roof. The proposal scales at a height of 9.04m to the same point. The submitted plans show the dwellings would be the same footprint and position as that approved by the September 2021 consent.

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since 16th September 2021 consent (2021/91239). It is therefore considered that, subject to the wording of conditions being amended, where relevant, to the wording set out in the 'Review of Conditions' section of this report and all informative notes imposed on the September 2021 consent (2021/91239) being re-imposed on this Section 73 application the proposal is acceptable.

It is therefore concluded that the variations to the approved plans proposed under this Section 73 application are acceptable and do not alter the conclusions reached and the recommendation made for application 2021/91239.

Approval is recommended.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2021/91239

Officer Recommendation: Approve subject to conditions

Conditions

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice and the following drawings/documents submitted as part of application 2021/91239 (dated 16th September 2021):-

   212107, 212104, 212101, 212103, 212102, 212105D, 212110C, 212113B, 212112C, 212115B, Bat Survey (ref: MVE/LMG 041), Tree Protection Plan (ref: MVE_TPP_01_REVB), Arboricultural Impact Assessment and Method Statement (ref:- MVE/AM_021/2021/03, Phase 1 Ecological Survey Report (ref:- MVE/LA 028 26 02 2021), Examples of Retaining Walls document, 3d View of Site, 3d Views of Materials, Views from within the site, Examples of Retaining Walls on site, Examples of New Retaining Walls, House Angles 410 and 412, Other Houses in the Local Area, Valley Head Street View submitted as part of application 2021/91239.

   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, LP21, LP22 and LP24 of the Kirklees Local Plan.

2. The hereby approved dwellings shall be faced in natural stone.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The new retaining walls required to facilitate the hereby approved development and as detailed on Dwg. No. 21 21 15B and Dwg. No. 21 21 05D submitted as part of application 2021/91239 (dated 16th September 2021) shall be faced in natural stone. If an alternative material is required details shall be submitted to and approved in writing by the Local Planning Authority prior to its use and the retaining walls shall be faced in the approved material.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and 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 and the manoeuvring of vehicles on the approved 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 2009 as amended or any successor guidance. 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 ensure adequate space within the site for vehicle movements and parking, to mitigate flood risk and in accordance with Kirklees Local Plan Policies LP21 and LP28.

5. The hereby approved development shall be completed in accordance with the advice and directions recommendations contained in the Arboricultural Impact Assessment and Method Statement reference (Morfe Valley Environmental Ltd, ref MVE/AM _021/2021/03 dated 02/07/21) and Tree Protection Plan (Morfe Valley Environmental Ltd, ref MVE_TPP_01_Rev B) submitted as part of application 2021/91239 (dated 16th September 2021). These shall be implemented and maintained throughout the construction phase.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

6. Prior to the first occupation of the hereby approved replacement dwelling for no.412 (Dwelling A), the 1.8 metre high obscurely glazed privacy screen detailed on Dwg. No. 21 21 10C submitted as part of application 2021/91239 (dated 16th September 2021) that will be placed on the balcony that serves bedroom 2 shall be installed and retained thereafter.
Reason: In the interests of residential amenity and to safeguard the development of the adjacent housing allocation HS35 of the Kirklees Local Plan and to accord with Policies LP3 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 the Housebuilders Design Guide SPD.

7. Prior to the first occupation of the hereby approved replacement dwelling for no.410, the privacy screen annotated '1.8m High Obscurely Glazed Privacy Screen' upon submitted drawing 13RevE shall be completed with obscure glazing that is a minimum grade 4 and retained thereafter.
Reason: In the interests of residential amenity and to safeguard the development of the adjacent housing allocation HS35 of the Kirklees Local Plan and to accord with Policies LP3 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

8. The hereby approved ‘home office’ shall not be used for any commercial purpose beyond that of a private annexe office for purposes incidental to the enjoyment of the dwellinghouses and shall not be sold or rented out separately.
   Reason: In the interests of highway safety as a result of increased vehicular traffic visiting the site and associated activities and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

9. The development shall not be brought into use until two bat roosting features (1FR Schwegler bat tube or similar alternative) have been installed on the east aspect of each dwelling at a height of at least 4 meters and not directly above any windows. Thereafter the features shall be retained.
   Reason: To provide ecological enhancement in accordance with the requirements of Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

10. Before the occupation of the hereby approved dwellings, one electric vehicle recharging point shall be provided for each dwelling either within the dedicated parking spaces or garage that serve each of the approved dwellings. 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: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Kirklees Local Plan.

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: Land Stability: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be

affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner.

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			28th June 2022
Proposed Site Plan	2165-01		28th June 2022
Proposed Elevations	2165-13RevE		30th August 2022
Proposed Floor Plans	2165-02		28th June 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. No amendments were sought as it was considered that the proposal was acceptable as submitted, although amended plans have been received submitted as part of the processing of the application by the applicant.

Report Dated: 23rd September 2022

Coal – Low