KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2022/62/92528/W**
Site Address:	45, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NL
Description:	Erection of two storey side and single storey rear extensions
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 12-May-2023

Officer Report

Site Description

2022/92528 – 45, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NL

The application site relates to a two-storey, semi-detached dwellinghouse with a hipped roof and an integral flat roofed garage to its side. The property has a driveway and landscaped front amenity space with an access path to the rear garden. It is finished with natural stone to ground storey and render to first storey at the front and the stone is substituted with red brick to side and rear. The host building is on elevated ground in relation to its semi-detached neighbour to the east (no. 43).

The property is within a residential estate with some examples of semi-detached properties with similar two-storey side extensions with two-storey gable end front features. The material palette is similar in the area and properties have driveways supporting off street parking. The adjoining property, no. 47, has an original bay window to the rear elevation close to the mutual boundary.

Description of Proposal

Erection of two storey side and single storey rear extensions

All figures are in metres and approximate.

It is proposed to have a first floor storey side extension over an existing garage with a hipped roof matching the host's ridge and eaves. To this, there would be a two-storey gable frontage feature projecting forward of the host's primary elevation and an infill roof canopy over the entrance. To the rear, it would have a single-storey, stepped, rear extension spanning the extended host at rear.

The extension to the side would be largely within the footprint of the existing integral garage, with a retained path of 0.9m wide to its side and the hip to gable extension to match the host's ridge/eaves from ground level. The width of the gable front feature would be 2.9m at front, slightly overlapping the front elevation of the host:

- Projection from the side/width: 2.8m
- Overall depth: 7.9m
- Gable front feature projection from the primary elevation of the host: 0.75m
- Height of gable front feature ridge: 6.7m with a set down of 1.6m from the host
- Height of gable front feature eaves: 5.75m to match the host

The infill roof canopy would extend from the existing bay window roof over the doorway and be of the same lean-to design as existing with matching height and eaves.

There would be a single-storey rear extension which would be stepped in projection from the rear. The minor section would project 3.15m from the rear and have a width of 3.25m, which would be adjacent to the neighbouring bay window. The major section would project 4.5m from the rear and have a width of 5.05m. They would have a lean-to roof design with the same ridge of 3.6m from the ground; the eaves of the minor section would be 2.6m and the major section eaves would be 2.4m from ground.

Materials and details:
Natural stone would be used to the front gable feature at front and partially rendered with stone at its side elevation. The side elevation and the diminutive section of the single-storey rear extension would have render to match. The major section of the single-storey side extension would be faced with natural stone at rear elevation with render to sides.

Roofs would have tile to match the host.

The fenestration would have matching glazing with stone head to front and to ground floor side elevation; be simply featured glazing to first and to side extension, attic storeys and to the single-storey rear extension, simple window and patio at rear elevation only.

To the side extension, it would add a study, W.C., utility room at ground floor and have two bedrooms at first floor. Plans indicate one additional bedroom overall. The rear extension would serve an open plan living/dining/kitchen.

There is no parking layout however the floor plan indicates sufficient space on the driveway for one off-street parking space with landscaping to the front retained.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to the rear roof design to reduce the impact on visual and residential amenity.

Relevant Planning History

No previous planning applications for this site.

Considered under the House Extensions and Alterations SPD:
2021/90012 – 59, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NW. Erection of two storey side extension and single and two storey rear extension. Approved.

2021/91890 – 29, Briarlyn Avenue, Birchencliffe, Huddersfield, HD3 3NN. Erection of first floor side extension. Approved.

2021/90135 – 73, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NW. Erection of first floor side and single storey rear extensions. Approved.

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: 21/09/2022

Two representations have been received; a summary of the comments received is set out below:

- Overbearing to the rear and poor outlook
- Overshadowing/loss of light to the rear with 45° guideline contravened to bay window
- Proposed development out of scale with host, not in keeping and overdevelopment
- Overlooking from side extension
- Insufficient off street parking

Officer Note: These matters will be assessed within the Visual and Residential amenity and Highway Safety sections of the report

- Plans are inaccurate and do not show bay window of neighbour
- Boundaries do not appear accurate

Officer Note: Amended plans show the bay window and the accuracy of the boundary is a private matter outside the control of planning.

- Existing downpipe and gutter on boundary will need to be removed to allow development and maintenance would be impacted
- Applicant should serve neighbour with Party Wall Act Notice

Officer Note: This is a private matter and not a planning material consideration. A Party Wall Act Notice is served before building works are commenced and would be the private responsibility of the responsible applicant to carry out, outside the consideration of a planning application.

- Neighbours have not consulted

Officer Note: Statutory Notice have been served on neighbouring properties as per the Kirklees Development Management Charter; while private consultation is encouraged prior to submission, this is not a requirement as long as the Statutory obligations have been followed by the LPA.

- The extension would devalue property prices

Officer Note: This is not a planning material consideration.

Amended plans have not been readvertised as they had reduced the bulk and massing of the proposed roof to the side extension to reduce overbearing and visual impact to the host. The material planning representations regarding the rear extension, set out above, are considered in further in the assessment below.

Consultation Responses

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

- Ecology – No objections

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 (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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

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 highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework.
In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the Key Design Principles (KDP) 1-2 of the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".* In addition, detailed design guidance has been set out in relevant sections front extensions para. 5.2, side extensions para. 5.15-5.16, two-storey and first floor side extensions para. 5.21-5.22 and rear extensions para. 5.5-5.6 of the SPD.
The proposal is evaluated in light of previous similar planning applications in the streetscene and immediate area which have been justified under the SPD. While each application is assessed on its own merits, Officers do have to consider whether the proposal would appear in keeping with the host and its streetscene.
The proposed roof infill canopy over the entrance would be a minor visual alteration harmonised with the host using matching roof tile and not protruding unduly from the primary elevation. This would be acceptable
The proposed hipped side extension's additional width, bulk and massing would appear to create an unbalanced composition with its neighbouring

property. This proposed quantum of development including the additions to the side would appear somewhat large and dominant addition to the host. Despite this, the design clearly references existing development and extensions in the wider streetscene and would appear to be in keeping to the extent to be visually integrated with built development under the House Extensions and Alterations SPD.
It is noted that the proposed overall design would have a minimal side projection over an existing single-storey footprint however it would project forward of the front elevation with the resulting in built form not being subservient to the host property; this is somewhat mitigated by the hipped roof form and gable front feature appearing more subservient with the feature's dropped ridge and harmonising with its matching eaves to the host's own. Again, this form of extension has been accepted elsewhere on the 'Briarlyn' development and is not now an unusual feature in the streetscene.
The proposed construction materials would be matching enabling the development to be in keeping with the host property and to the streetscene.
The property boundary gap would be retained with adequate access to the rear garden and the level ground difference between its neighbouring property to the east coupled with the hipped roof design would sufficiently avoid the risk of terracing and an incongruous overly cramped form of development when considering the streetscene.
The rear extension would be of single-storey appearance, faced with harmonised materials and simply roofed with a lean-to design aiding in a subservient and harmonised composition to the host. It would be positioned behind the original host building and its original single-storey garage aiding in a low impact rear addition to the built form of the host whilst retaining external access to the rear. It would sensitively limit its projection to the rear when immediately adjacent to the paired neighbouring property, however representations have been received on the proposal's impacts and it would exceed recommended limits for semi-detached properties. Notwithstanding this, the property hosts full Permitted Development Rights and could therefore construct a similar rear extension of greater height (4m to ridge) and 3m projection to the boundary, subject to conditions, without the requirement of planning permission. As such, there is a realistic fall-back position with greater visual impact to neighbours and therefore, it is proposed that the single-storey design is acceptable subject to further consideration of residential amenity.
The impact to the streetscene would be limited with no views from the highway and the quantum of proposed development aiding in screening the rear from view.
The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.
To conclude, the proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan, the KDP 1-2 of the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF.
<u>3 – Impact on residential amenity</u>:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

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

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

KDP 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, KDP 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, KDP 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. KDP 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Representations have objected to the proposal on grounds of overbearing, overlooking and overshadowing. The amended design sought to reduce these impacts.

No. 47
The neighbouring property would have the bulk and massing of the side extension screened by the host property. To its rear, there is a bay window which would be adjacent to the proposed rear extension, and which has a side facing window looking towards the application property. The projection of the minor section of the extension would be limited to such an extent that it would preserve a 45° outlook from the bay's main rear window. It would not for the side window. It is recognised that light and outlook from this section of the bay window would be materially affected by the proposal. A similar scenario, potential more harmful, would be if the applicant used permitted development rights to erect a 2m boundary fence or utilise permitted development rights for a stand-alone single storey rear extension. In addition, during the site visit it was observed that the affected side window benefitted from curtains which obscured light and outlook. In carefully considering the impact of the rear extension, it is concluded that the impact on the bay window and rear amenity space of the adjoining neighbour would not be undue – this takes into account the realistic prospect for development with a potential more harmful impact to be undertaken utilising permitted development rights. It would also not have any side elevation windows to affect overlooking or loss of privacy (which could be installed in an extension using permitted development rights).

It was noted on the site visit that there is a downpipe serving the guttering to the bay window on/over the boundary with the application property. The exact ownership of this is not known, although this may be explained on the deeds of the properties. As previously stated, the impact on the downpipe and any

requirements to relocate this may need to be agreed between the relevant parties under the Party Wall Act which is separate legislation to planning law. It is a civil matter for the parties involved to resolve. In addition, the extension is shown to be set off the boundary by around 0.15m, if the wall running through the properties is a 'party wall.'

No. 43
The proposal would have the two-storey side extension's bulk and massing built up to the boundary which is accentuated by the difference in levels. The hipped roof design, the retained external access path to the rear garden and the building lines of the proposed extension and the adjacent extension would remain approximately similar aiding in reducing the bulk and massing with some separation distance. In this instance, it is considered for these reasons that the proposal would avoid being unduly oppressive upon the neighbouring property, noting it would have a limit impact on principal windows and the main amenity space.

Due to the application site being located to the south-west of No. 43, there would be some element of overshadowing in the evening hours due to the sun setting to the west although this is not considered to significantly increase overshadowing to the neighbour and its window, noting that there is a single storey garage already on site and the existing relationship with the mass of the host property.

No. 43 has an attached garage with side elevation windows facing below the current ground floor windows of No. 47's garage and a first storey window; from historic floorplans the window serves a landing which would be a non-habitable room. The neighbouring windows are not aligned with each other due to the differences in ground levels. The additional window to ground floor would serve an utility room which is a non-habitable room, and to first floor, would serve a bedroom (habitable room) with the attic window not proposed to serve a room. The existing ground floor window would newly serve a study however there are no conditions limiting the conversion of garage to living accommodations on site and therefore cannot be controlled. The SPD considers that the minimum recommended distances to windows should be 12m or 21m depending on rooms windows are serving; it does direct Officers to have regard to matters such as the topography of the site and that in certain situations, overlooking could be avoided by obscure glazing if warranted. While proposed additional windows would be closer to the neighbour separated by 5m, the proposed arrangement of those windows avoiding direct views, considering the change in ground level, would ensure that only very restricted oblique views are likely to be achieved. Nonetheless, Officers propose that the bedroom window within 5m of its neighbour be obscure glazed by condition considering that it would be a secondary bedroom window thus avoiding undue restriction to occupants while preserving neighbouring residential amenity in relation to overlooking and loss of privacy.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to KDP 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate and proportionate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy and use.

In conclusion, the proposal would, subject to the condition on obscure glazing, therefore be in general conformance with LP24b and KDP 3-7 of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The Council seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would retain sufficient rear access to have bin arrangements remain as existing. It would have an additional bedroom intensifying use and could increase the potential of the property to require 3 off street parking spaces to meet this use. The garage has been subdivided into a garage which does not meet Highways Design Guide SPD internal space specifications for the garaging of modern vehicles and as such would not be considered a lost parking space. As such, the existing arrangement is of one off-street parking space only with a soft landscaped section for visual amenity. Subject to the property being in a sustainable location, the retention of this soft landscaped section to avoid any harmful dominant views of hard landscaping eroding the pleasant character of the streetscene may outweigh the guideline to supply more parking.

The property is close to the services, amenities and facilities of Birchencliffe Local Centre and to frequent public transport links therefore it would be considered to be in a sustainable location supporting car free use. In addition, as previously noted, the streetscene has driveways to multiple properties and some lay-bys serving to minimise on street parking. For these reasons, the proposed development would be in a sustainable location minimising car use, would retain its landscaped front amenity space avoiding detrimental impact on visual amenity and therefore would not cause additional harm to highway safety complying with Policies LP21 and 22 of the Local Plan, KDP 15-16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda, to achieve 'net zero' carbon emissions by 2038. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building envelope's carbon emissions and would contribute positively towards carbon reduction.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the side and rear within an existing footprint and area of hardsurfacing. The proposed works at rear would however be across a private drain system 095018 and 095020, which is not subject to or controlled by Yorkshire Water therefore no consultation was required. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer. In this instance, this matter would be controlled by Requirement H4 of the Building Regulations 2010 and not a planning matter. An informative has been attached reminding applicants of their private responsibility to ensure that Building Regulations are complied with, the proposal would therefore have LP28 of the Kirklees Local Plan and KDP 14 of the House Extensions and Alterations SPD.

Biodiversity

It is acknowledged that the site is located within an identified bat alert area and close to Kirklees Wildlife Habitat Networks showing an increased likelihood of bat roosting behaviour, as such KC Ecology recommended that a Preliminary Roost Assessment be provided to fully assess potential impacts on a protected species. The PRA found no evidence of bats on site with no roosting features however recommended mitigation within Table 5.1.1 page 16-17 of the PRA which the KC Ecology Officer accepted.

A condition has been attached advising applicants to follow the recommendations in Table 5.1.1 and in addition, an informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

The proposal would be restricted to an existing building footprint or hard landscaping and of neutral impact on biodiversity and vegetation. It would retain its front landscaped amenity area. As such Officers are satisfied that the proposal would comply with KDP 12-13 of the SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Contaminated and unstable land

The site is within two historic land fill buffer areas and a landfill gas site. As such, there is increased potential for land contamination. Given the very modest scale and nature of the development limited to an existing building footprint and hardstanding, it is considered unnecessary to require the submission of a full Phase 1 Desktop Study and Preliminary Risk Assessment in this instance.

However, a precautionary condition is imposed on any approval requiring the developer to submit a Remediation Strategy for the consideration and approval of the Local Planning Authority, if unexpected contamination is found during the construction works. This would be sufficient to ensure public safety onto any permission provided on the proposed development complying with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

Two representations had been received and considered in the relevant sections.

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

Application Number: 2022/92528

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 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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP28, LP30 and LP53 of the Kirklees Local Plan, KDP 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, KDP 1 and 2 of the Council's House Extensions & Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

4.In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either

(a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or
(b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure public safety and to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.M

5. The bedroom window serving bedroom 4 on the first floor in the northwest side elevation shown on drawing no. UD-502. Received 3rd May 2023 , shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glass.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policies LP24b of the Kirklees Local Plan, KDP 3 and 4 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

6. The hereby approved development and its detailed mitigation measures shall be carried out in accordance with the details in Section 5.1.1 of the submitted Preliminary Bat Roost Assessment Report by Roavr Group and Woodland Solutions Northern Limited.
Reason: To provide ecological mitigation in accordance with the requirements of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the House Extensions and Alterations SPD and Chapter 15 of the National Planning Policy Framework

FOOTNOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful. Any Party Wall Act Notices should be served before building commences.

FOOTNOTE: The proposed works to the rear are over a private sewer. It is essential that the presence of this infrastructure is taken into account in the design of the scheme, and it is the private responsibility of the applicant to ensure that works are carried out in accordance with Requirement H4 of the Building Regulations 2010. It may not be acceptable to raise or lower ground levels over the sewer. The grant of planning permission does not include Building Control or indicate compliance with Building Regulations.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Existing Elevation Plans.	Drawing: UD-501.	Unamended.	27/07/2022
Existing Floor Plans.	Drawing: UD-501.	Unamended.	27/07/2022
Proposed Site Plan.	Drawing: UD-502.	Amended.	02/03/2023
Location Plan and Proposed Floor Plans.	Drawing: UD-502.	Amended.	03/05/2023
Proposed Elevation Plans	Drawing: UD-502.	Amended	03/05/2023
Preliminary Bat Roost Assessment	22_PRA_10_20. October 2022 Preliminary Bat Roost Assessment Report by Roavr Group and Woodland Solutions Northern Limited. Project. 22_PRA_10_20. October 2022	1.0	31/01/2023

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 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. The case officer undertook negotiations with the applicant to secure amended plans and a Preliminary Roost Assessment to ensure the scheme minimised the impact on residential amenity, visual amenity and biodiversity.

Report Dated: 09/05/2023