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:	**2022/70/93974/W**
Site Address:	412, Birkby Road, Birkby, Huddersfield, HD2 2DN
Description:	Variation of condition 2 (plans) on previous permission 2021/91239 for demolition of existing dwellings and garage and erection of two detached dwellings
Recommending Officer:	John Holmes

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: 31-Mar-2023

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 site comprised a bungalow (no.410) and a two storey dwelling (no.412) which was set at a right angle to no.410. A detached garage and 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. The site is presently undergoing redevelopment to erect 2no. replacement dwellings with associated works.

Surrounding the site to the south is a church and associated car park, to the east 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.

Access to the site is from a private road off Birkby Road which serves a number of dwellings.

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 two would see plans that amend the location of a detached garage for one plot.

The proposal would see the garage moved to the south western corner of the site, currently the permission allows for this garage to be in a central part of the site adjacent to the southern boundary.

The proposal would also see the garage rotated 90 degrees facing into the site with openings within the eastern and northern elevations being access doors to the building. A window is proposed to the southern elevation, serving a stairwell. Roof lights are also proposed to both roof slopes, with the building featuring gable roof slope at two different ridge heights (5.8m & 4.75m) and at the same eaves height (3m). There would be an office store and wc within the roof space.

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

The proposal would see drawings 212113B & 212105D of permission 2021/91239 replaced by drawings 2189-03 (Plans and Elevations) and 2189 02 A (Proposed Site Plan)

In addition, an Arboricultural Method Statement (ref: 20088/AJB) has been submitted as part of this application.

PLANNING HISTORY

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

> **2022/92185** – 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 – **Approved** 23rd September 2022
>
> **2021/91239** – Demolition of existing dwellings and garage and erection of two detached dwellings – **Approved** 16th September 2021
>
> **2021/90191** – Erection of extension and conversion of 1 dwelling to form 2 dwellings with associated parking – **Approved** 3rd August 2022

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
>
> 2013/90996 – Erection of detached garage with storage space and office above – Approved
>
> 2012/90800 – Works to TPO(s) 14/75 – Refused
>
> 2005/90731 – Erection of granny flat over detached garage – Approved
>
> 2002/92426 – Erection of detached bungalow with integral garage – Approved

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 neighbour notification. The expiry date of the publicity period was the 24th February 2023.

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

Letters of Objection

Six objections have been received, raising the following summarised concerns:-

- The proposal appears to move the garage to a location which was proposed for application 2021/91239, and subsequently that plan was superseded
- The location of the garage in relation to trees was raised as a concern by the Council’s Tree Officer in their response of 27th May 2021
- The Arboricultural report misquotes tree numbers in relation to the submitted plans (tree previously designated T30 in the initial application (2021/91239) and the plans for this application, T1 in the Arboricultural report (971505) accompanying this application.
- The response of the Council’s Tree Officer is required
- Any written confirmation of the Tree Officer they are agreeable to moving the garage to this location needs to form part of consultation submissions.
- The proposal is overdevelopment
- The annexe should have provided the garage space
- Cars will have less room to manoeuvre due to driveway parking which will likely occur
- The development which has been implemented / granted permission was objected to and buildings are considered too large for the plot.
- Proposal is seeking to revert back to a garage location considered unacceptable in 2021 and should be refused.
- Development appears to have already affected the tree, what have the Council done in relation to such works?
- The development is being undertaken without adherence to HGV weight limits, working hours, protective barriers for trees
- Believe the initial response of the Tree Officer to be misinterpreting what is proposed
- The further response of the Tree Officer sets out no requirement to re visit previous comments, but consider they should
- Comparison of the plans from 2021/91239 which were subsequently superseded show a garage in the same position as the proposal
- Consistency and rigour should be applied to assessment of planning proposal and does not appear to be applied in this case

Letters of Support

None

Letters of Comment

None

CONSULTATIONS

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

KC Tree Officer – No objection

The above consultee is discussed in greater length within the 'Assessment' section of this report. Clarification was sought from the Tree Officer to confirm their comments in relation to the proposed siting of the garage.

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: - 212113B & 212105D) which have come about by a change in the siting of the detached garage approved by application 2021/91239.

It is considered that the key determining issue in the consideration of this application is the impact upon visual amenity, access and highway safety, residential amenity and trees. 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:-

Amenity issues

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 House Builders Design Guide 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 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The proposal would contribute to the floor space available to one of the dwellings previously granted permission which are concluded to provide ample space for the future occupiers, in accordance with principle 16.

Openings are proposed to the southern and western elevations which face towards neighbouring properties, these are a window serving a stairwell and roof lights. Given the high level of the roof lights, it would only be possible to view the sky from these openings. The stairwell window serves a non habitable room and given the distance from neighbouring occupiers and height this window would be in relation to the stairs it is considered there would not be a significant increase in overlooking from these openings.

Other openings in the building face into the application site and are a sufficient distance to ensure no detrimental level of overlooking occurs. As such it is considered the proposal is acceptable in terms of overlooking.

The size and scale of the building is such that it is considered it would not lead to a significant level of overshadowing or be unduly oppressive / overbearing to neighbouring occupiers. The proposal is therefore concluded acceptable in this regard.

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 and Principles 12 and 19 of the Housebuilders Design Guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal would improve the turning facilities at the site, which are already considered to be acceptable and usable. The parking provision at the site exceeds the minimum standard of 3 spaces and as such it is considered unnecessary to require the garage, by condition, to be solely used to the parking of vehicles.

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 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 5 of the Housebuilders Design Guide 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 proposed garage would have a similar appearance to that which has consent to be constructed. The re-siting of the garage in the site is not considered to have a significant impact upon the overall visual appearance of the development over and above that for which consent has previously been granted.

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

Impact upon Trees

The application has been submitted with an Arboricultural Method Statement (AMS). It is noted that within the Statement there is a drawing included as part of the appendices. This shows the nearest tree to the building, and has labelled this as T1, with the AMS making reference to this tree as T1. Within the submitted drawings this tree is labelled as T30 however it is considered clear that the AMS, whilst calling this T1 within the assessment, is referring to the tree labelled as T30 on the submitted plans.

Within the AMS protective fencing during construction is detailed as a mitigation measure to ensure protection of trees during construction, as well as an assessment of the impact of the development upon the tree nearest to the proposed building.

The Council's Tree Officer has stated the following within their consultation response: -

> *'The proposal to include a garage in the south eastern corner of the site would not result in direct conflict with the adjacent trees, protected by TPO 14/75. The previous site included hardstanding in the location of the garage and it is unlikely therefore that any significant rooting would be present. The submitted AMS provides details of the tree protection required to ensure offsite trees are not impacted upon during construction of the garage. I would recommend that a condition of compliance with the AMS be attached should consent be granted.'*

Further clarification was sought from the Tree Officer in terms of siting of the garage. In an email dated 15th March the Tree Officer advises that the previous garage location was to the south east of the plot of 412. They confirm they are aware it is proposed to relocate this to the western side of the plot and that they do not need to revisit previous applications/comments on the site and an assessment of the proposals has been made. They conclude that they are satisfied that the garage location proposed will not impact upon the tree closest to it based upon the current site condition and information provided.

Taking account of the response of the Tree Officer and the nature of the proposal it is considered that refusal on the grounds of the impact of the building upon the nearest tree cannot be substantiated in this case, and it would be unreasonable of the LPA to do so.

The scheme that was initially submitted and amended in 2021 showed, in addition to a garage, a number of buildings labelled as sheds. It is noted that the initially proposed scheme within the 2021 application was amended and the initial comments of the Tree Officer raised concern in relation to the original layout that was subsequently superseded with plans which the Tree Officer concluded were acceptable.

However, this proposal is assessed in light of the additional detail submitted as part of this application and in light of the fact previously annotated buildings upon the superseded plan as initially proposed in the 2021 application have not been reintroduced. It is considered that in light of this, and the fact the 2021 application was not determined on the basis of the superseded plans, it is not unreasonable of the LPA to conclude that the application as proposed is acceptable, having regard to the tree nearest to the re sited garage the subject of this application.

Following receipt of representations which make reference to the Tree Officers comments the Tree Officer was further consulted, clarifying their consultation response in relation to this application. They were further, informally, liaised with on 30th March in relation to further comment about their second consultation response, where they confirmed that they had nothing further to add to their two consultation responses already provided.

It is considered that, in light of the submitted AMS, and response of the Tree Officer, the proposal is acceptable in terms of impact upon trees in accordance with Policy LP33 of the Local Plan and Policies in Chapter 12 of the NPPF.

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, in the plans and specifications table, and the following drawings/documents submitted as part of the following applications: -

2022/92185:

2165-13RevE & 2165-02

2021/91239: -

212107, 212104, 212110C, 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 drawing 21 21 15B submitted as part of application 2021/91239, and the retaining walls detailed upon submitted drawing 2189-02RevA.

Condition no.5

This condition requires that all areas indicated to be used for parking and the maneuvering 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 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 an assessment and method statement submitted as part of application 2021/91239 and to also include the submitted Arboricultural Method Statement (ref:- 20088/AJB)

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 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 for the dwelling the subject of this application. It is considered this condition is not necessary in this case as the plans submitted as part of application 2022/92185 detail this screen and this screen would therefore be required by the recommended plans list condition to be imposed on this application

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 the 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 of 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 proposal is overdevelopment

The proposal is not considered to significantly reduce outdoor amenity space associated with the dwellings and is considered acceptable in this regard as it replaces an approve detached garage in a different location within the site.

- The annexxe should have provided the garage space
- The development which has been implemented / granted permission was objected to and buildings are considered too large for the plot.

These matters cannot be revisited as part of the consideration of this application.

- Development appears to have already affected the tree, what have the Council done in relation to such works
- The development is being undertaken without adherence to HGV weight limits, working hours, protective barriers for trees

This can only be investigated as part of an planning enforcement case and cannot be investigated as part of the processing of this application. It is noted there is an ongoing investigation into breach of condition.

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since the 16th September 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, drawings 2165-13RevE & 2165-02 submitted as part of application 2022/92185 (dated 23rd September 2022) and the following drawings/documents submitted as part of application 2021/91239 (dated 16th September 2021):-

212107, 212104, 212110C, 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

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 upon submitted drawing 218902RevA and on drawing 21 21 15B 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 submitted Arboricultural Method Statement (ref: 20088/AJB) in relation to the re-siting of the garage and also 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) related to the other elements of the proposed. 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 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 that will be placed on the balcony that serves bedroom 2 detailed on Dwg. No. 21 21 10C submitted as part of application 2021/91239 (dated 16th September 2021) 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.7.

7.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.

8.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 metres 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.

9.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			9th December 2022
Plans and Elevations	2189-03		9th December 2022
Proposed Site Plan	2189-02	A	20th January 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 31st March 2023

Coal – Low