

**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:	2023/62/91803/W
Site Address:	410, Birkby Road, Birkby, Huddersfield, HD2 2DN
Description:	Erection of detached dwelling (modified proposal)
Recommending Officer:	John Holmes

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: 16th August 2023

Officer Report – 2023/91803

Site Description

The application site forms a detached dwelling which is under construction. Located off a private road which leads from Birkby Road. The dwelling is being constructed in conjunction with the neighbouring property (no.412) under consent previously granted at the site. Amenity space for the dwellings surrounds each property with land dropping steeply away to the north, with a drop off to the east of no.410.

A detached garage and detached garage and office are located to the south of the dwellings adjacent 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.

Surrounding the site to the south is a church and associated car park, to the east the rear of properties off Valley Head, a residential cul de sac. To the west is the housing allocation HS35 and a dwelling under construction at no. 412. 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.

Description of Proposal

The Scheme

The applicant is seeking permission for one dwelling.

This application has been submitted following the submission of a number of variation of condition applications following the granting of permission for the development of 410 and 412 for 2.no new dwellings.

The proposal essentially seeks to amend the house type of the replacement dwelling of no.410 to include a single storey element to the rear (north) of no.410.

A key consideration applicable to the consideration of this application is the realistic fall-back position which is available to the applicant insofar as they can construct a dwelling in place of no.410 in any event by virtue of the extant permissions applicable to the site (detailed in the 'Planning History' section of this report).

An updated drawing (ref: 04revA) has been submitted to show the entire dwelling which is proposed and also the floor plan layout. As set out in the submission, the amendment to the house-type for which permission is sought

relates to a single storey element to the rear which was shown on initially submitted drawing 04. As such it is considered that, whilst for clarity as to what is being considered, an updated drawing was requested / submitted, the scheme as publicised adequately alerted the public to the nature of the proposal.

Relevant 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

2022/90191 - Extension and alterations to existing garage / office building to create dwelling forming annexe associated with 410, Birkby Road, Birkby, Huddersfield, HD2 2DN – Approved **Approved** 22nd April 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

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. The application

was advertised by neighbour notification letter, the publicity on the application closed on 28th July 2023.

Four objections have been received raising the following summarised concerns:

- Hope this is the final amendment / alteration
- Work has been ongoing since 2021 causing dirt, disruption and noise
- The attached plans don't show the additional floor approved for no.410 on application 2022/92183
- Previous comments to the last application which was withdrawn (ref: 2023/91160) still apply
- The proposal leads to overdevelopment
- Misleading not showing the 2nd floor accommodation
- Amendments have extended the construction phase
- Loss of trees
- Construction vehicles cause disruption
- The garage conversion has been to demolish and re build the building
- Land the subject of a TPO has been redeveloped
- Laurel hedge has grown large and impacts neighbours
- Flouting of rules has been undertaken, with little consequence
- Comments could be submitted via website until 25th July rather than 28th July.
- The proposal leads to overlooking
- Privacy screens required to prevent overlooking from balconies, would need screening to this part of the proposal too.
- Object on the grounds unable to access the proposals
- Proposal should be re submitted / re publicised
- Gained access / ownership of property on 24th July and tried to make comments via website from 25th July onwards but was unable to.

These are addressed within the following report.

Consultation Responses

- **KC Trees** – No objection subject to condition

The following is a brief summary of Consultee advice received for the consideration of the 2021 consent (more details are contained in the Assessment section of the report, where appropriate):

- **KC Highways DM** – No objection
- **KC Ecology** – After the submission of further information no objection
- **KC Trees** – After the submission of further information no objection

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and 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 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 Housebuilders 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

Assessment

The site represents unallocated land on the Local Plan and therefore policies LP1 and 2 apply which support sustainable development and seek to ensure that new developments protect and enhance the quality's which contribute to the character of an area. The proposal would, as originally assessed, lead to the erection of a replacement dwelling to the original no. 410 and therefore it is not considered necessary to consider the Council's housing position as this would not change by the development. The principle of developing the site is considered to be acceptable subject to assessment of design, residential amenity, highway safety, ecology and all other material planning considerations and representations received.

The assessment below considers the replacement of the original no. 410 and – as pertinent to this application – the addition of the single storey rear extensions shown on the latest plans.

Design

Local Plan Policies LP1, LP2 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.

The design of the development will be assessed against Policy LP24 of the Local Plan and Policies in Chapter 12 of the NPPF. These policies seek to promote good design by ensuring that the scale, layout and details of a development respect and enhance the character of the townscape, heritage and landscape, and assess other design considerations such as designing out crime the provision of open space.

The Housebuilders' Design Guide SPD sets out Design Principles for new housing developments to ensure that they are appropriately design. 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 overall character of the local area is for large dwellings in large plots that are well separated from each other and it is considered that the dwellings which previously occupied the site were typical of this local character. It is noted that dwellings vary in design and scale with both single and two storey properties evident. Unlike many of the immediate properties the application site is restricted by local topography where the land to the north (rear of the site) drops away steeply to a smaller lower garden area and also protected trees which run along the eastern boundary of the site.

Design Principle 2 of the SPD and Policy LP24 of the Local Plan advise that dwellings should respect the character of the local area and be of a coherent design taking design cues from the local area. The proposed dwelling would represent an increase in the scale of the dwelling at the site, from that as approved and also the associated garden space to the rear. Whilst large it is noted that application site is large, and a large amount of space would remain undeveloped. Furthermore, the dwelling would be perceived as two storey in overall height, which is typical for dwellings in the local area and they would be constructed from natural stone, the prevailing material locally which would assist in them sitting satisfactorily in the local area. The use of concrete tiles would be the same as the dwelling which has been originally replaced and the balcony features are considered to be appropriately positioned. Mature trees, protected by way of TPO would also aid in softening longer distance views.

With regards to the appearance of the dwelling it is noted that it is of a differing design and not typical of properties locally with its significant ashlar stone detailing, parapet and hipped roof, half-moon full height windows and extensive front glazing. However, on balance, given that it is separated from adjacent properties, including no.412 and its somewhat secluded position locally, its design is considered to be acceptable as a bespoke dwelling on an isolated plot away from a street frontage. It would provide substantial living space and have garden areas which are considered to be proportionate to the dwelling, with the addition of balconies providing further outdoor space for the occupiers of the dwelling.

A single storey element is proposed to the rear of the property, above which a balcony would be formed. It is considered that this element of the scheme, whilst of a visual parapet flat roof design, would not be out of character with the host property and is considered to be an acceptable design feature to the dwelling. It would not result in an overdevelopment of the site.

The retaining structures required to facilitate the enlarged garden space, as previously considered and approved, would be 4.6 metre high, which whilst high are not located within a prominent part of the site and it is proposed to use planting to soften their appearance. Whilst large, given the position where they would only be seen from longer distance views and somewhat obscured by mature trees, and provided constructed from natural stone, it is considered to be acceptable.

In conclusion the design of the dwelling is considered to be acceptable, including the addition of the rear extension, subject to conditions to ensure that the dwelling and retaining walls are constructed/faced from natural stone. The proposal would therefore accord with Policy LP24 of the Local Plan and principles 5, 12, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD.

3. Impact on Residential Amenity

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwelling is considered against Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings." The Housebuilder Design Guide SPD sets out in principle 6 that new developments should ensure a high standard of amenity for future occupiers.

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 closest properties to the proposed development are no.s 7 & 9 Valley Head to the east, no. 406 Birkby Road to the south east and no. 412 Birkby Road to the west (currently under construction). The impact on future occupiers also needs to be considered.

With regard to no.s 7 & 9 Valley Head these properties are located 25.5 metres to the north east with no. 9 being the closest property, a row of protected trees separates the dwellings. In terms of overshadowing or overbearing the separation distance combined with the presence of the trees would ensure that there is no detrimentally overbearing or overshadowing impact from the two-storey element of the dwelling, or the single storey addition to the rear.

In terms of overlooking within the 2-storey element, two small windows are located at first floor, along with a balcony, and two floor to ceiling height windows and a small window located at ground floor. The first floor windows would serve bathrooms and would be obscurely glazed along with the small window on the ground floor. The two larger windows on the ground floor are considered to be sufficiently separated to not to lead to any detrimental overlooking. The first floor balcony is unlikely to lead to significant detrimental overlooking, however to prevent any impact on no.s 7 and 9, a privacy screen will be conditioned to be installed.

The additional single storey section to the rear of the dwelling features windows to the eastern and northern elevations and a high-level window to the western elevation facing no. 412. The eastern elevation of this section of the single storey element is considered to be sufficient distance from properties to the east of the site that no significant level of overlooking would occur from these openings, with these openings being approximately 30m from the eastern boundary of the site.

Turning to no. 412 Birkby Road to the west, a separation distance of 5 metres between the side elevations of the properties; there being no habitable windows in the side elevations and the limited scale of the single storey rear addition, and their relative siting to one another would prevent any detrimental overlooking, overshadowing or overbearing impact from occurring. The first floor balcony element only projects 2m and would provide very limited views into the garden area of no. 412. For this reason it is considered that privacy screening to this balcony is not required.

It is noted that the proposed dwelling would be served by a large parking area that could accommodate in excess of 3 vehicles (as required by the Highways Design Guide SPD) such a scale of parking may to some extent lead to some additional vehicle movements to and from the site. However, all manoeuvres/turning etc would be restricted within the site and therefore it is concluded that the additional activity associated with vehicles movements to and from the site via the access road would not lead to undue detrimental impact to the amenity of adjacent properties. The additional single storey element to the dwelling would not increase the likelihood of further vehicular movements to and from the site.

With regard to future occupiers the dwelling, no.410 would provide in excess of 495 square metres of internal space, the nationally described space standards advises that a minimum of 128 square metres is achieved, thereby highlighting that the dwelling provide extensive living accommodation. In addition, whilst the scale of the dwelling is large, the size of the plot ensures suitable amenity space remains for users of the dwelling such that the proposal is not considered to lead to overdevelopment.

It is therefore concluded the proposal would be acceptable having regard to policies within Chapter 12 of the NPPF, policy LP24 of the Kirklees Local Plan and principles 6, 16 and 17 of the Council's adopted Housebuilders Design Guide.

Ecology

The proposals impact on Ecology needs to be considered with respect to Policy LP30 which seeks to protect and enhance ecology and biodiversity at sites and LP33 seeks the retention and protection of trees, Chapter 15 of the NPPF is also relevant. Principle 9 of the Householder Design Guide SPD seeks to secure biodiversity net gain with new residential proposals. The previous application for redevelopment of the site was assessed by the Council's Ecologist and Arboriculturist.

With regard to Trees, an Arboricultural Impact Assessment was submitted with the 2021 application along with a Tree Protection Plan. The proposal would deviate from the approved scheme insofar as there would be a single storey element to the rear of no.410, this is not in close proximity to trees upon the site. As such it is concluded that subject to a condition ensuring that works accord with the impact assessment and tree protection plan (that was submitted as part of the 2021 application) the proposal would accord with Policy LP33 of the Local Plan and paragraph 131 of the NPPF. The response of the Council's Arboriculturist is that they are in agreement to such an approach.

In terms of ecology, an ecological assessment was submitted, along with a bat survey, as part of the 2021 application. The report concluded that both buildings to be demolished had a negligible potential for roosting bats and there was a limited risk to roosting bats, and therefore the proposals were concluded to be in accordance with LP30i with the Council's Ecologist confirming they had no objection to the scheme. They did recommend that, in order to provide biodiversity net gain, a condition for integral bat boxes/bricks be included.

Taking account of the fact the original dwelling at 410 has been demolished, and the consultee advice of the 2021 application, it is concluded that subject to inclusion of the recommended condition in relation to provision of bat boxes

/ bricks, the proposal would accord with LP30ii of the Local Plan and Chapter 15 of the NPPF as well as principle 9 of the SPD.

Highway Issues

Turning to highway safety, Policies LP21 and LP22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options. The 2021 application was also been assessed by the Council's Highways DM Officer. The site is at the head of a private cul-de-sac off Birkby Road that serves a number of dwellings. It is surfaced but without footways.

The Highway Officer advised, during the assessment of the 2021 application, that the proposal is almost a like-for-like arrangement and, although there may be a small intensification of use, it is not considered that the increase in trips would be sufficient to cause a severe impact on the operation and efficiency of the local highway network. The only trip generation concern would be if the home office was used as commercial premises and employed a number of staff who lived elsewhere (this was an outbuilding principally connect with no. 412 although a garage for no. 410 also contained an office element). This concern is compounded by the number of car parking spaces that are provided by the application, which are above that which is recommended in local guidance for this size and type of development. To ensure that there is not a detrimental impact from any home office, a condition was recommended to be attached to any approval to restrict the use.

The submitted plans do not set out the intention for a home office to be provided within the dwelling. The associated outbuilding obtained a later permission (**2022/90191**) to the altered and extended to form a residential annexe. Notwithstanding this point it is considered that use of part of the dwelling as a home office is unlikely to constitute a material change of use unless it was a substantial part of the building or involved a materially higher number of vehicle movements / attendance of staff at the site who lived elsewhere. This would be controlled by the fact a material change of use would need planning permission and as such it is not considered necessary to include a condition in relation to home office working in this case.

The number of parking spaces suggested in local guidance for this type and size of development would be three off road spaces per dwelling, it is likely

that double that figure could be provided. This over provision of parking spaces may be against council policy and the promotion of sustainable transport above use of the private car. However, this is not a concern that would on its own lead to the conclusion that the whole development was unacceptable. To ensure that new parking areas are appropriately surfaced, a condition would be attached to any approval. This would also be to mitigate flood risk.

No details were provided showing waste storage and collection to the site, it is assumed that this would be done as at present for the original dwelling. The highway officer has requested that details are submitted, however given that there were previously existing arrangements which served two properties it is not considered necessary to condition that these details are provided.

Subject to the conditions detailed above the proposal would have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Impact on Housing Allocation HS35 – To the west of the site is housing allocation HS35 and no planning application in respect of this piece of the housing allocation land has been submitted to date. However as per the requirement of Policy LP3 2. (b) it is important to ensure that the dwelling does not have any adverse impact on its delivery. Given the distance of the proposed dwelling from this land it is not considered that the development would compromise the future development of the land for housing. This includes the addition of the single storey element to the north.

Air Quality – Given that the application would propose new development at the site and to mitigate against potential air quality impact of the development and to accord with the West Yorkshire Low Emissions Strategy and Policy LP24 of the Local Plan an electric vehicle charging point shall be secured for each dwelling by condition.

Climate Change –On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. This includes Principle 18 of the Housebuilders’ Design Guide SPD.

In this instance, a Climate Change Statement has been submitted with the application. This sets out that (inter alia) “the house is to be fitted with air source heat pump, MVHR systems and has been insulated over and above the current regulations”. There is a part-implemented extant permission for a dwelling of which the shell has already been constructed. The new dwelling would be built to modern building standards, uses natural stone which is locally available and fully recyclable and would be thermally efficient. An electric vehicle charging point would be secured by condition and the site is located within a sustainable location where there access to sustainable travel options. Arrangements are considered to be acceptable for the purposes of this application.

Retaining walls and land stability

It is noted that the proposal would require the construction of new retaining walls to facilitate the enlarged garden area. Paragraphs 183 and 184 of the NPPF clearly state that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The new retaining works are located within the application site and are away from the shared boundaries and therefore for the purposes of the planning application there is no objection to the formation of the retaining structures. However where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The developer/ applicant would be responsible for ensuring that adequate site investigation information was obtained, prepared by a competent person, to

demonstrate that the site can be developed without unacceptable risks to the future occupiers of the proposed dwelling or the existing occupiers of neighbouring properties from land stability, in accordance with the NPPF and Policy LP53. An advisory note will be attached to the decision notice advising the applicant of this.

Representations

Insofar as they are not addressed elsewhere in this report, the objections received are addressed as follows:-

- Hope this is the final amendment / alteration

This is noted. Each application is treated on its own merits. This would include the submission of any future application at the site.

- Work has been ongoing since 2021 causing dirt, disruption and noise
- Construction vehicles cause disruption
- Amendments have extended the construction phase

Given the scale of the development, and planning history, it is not considered it would be reasonable of the LPA to impose condition(s) relating to control of construction hours / dust suppression measures.

- The attached plans don't show the additional floor approved for no.410 on application 2022/92183

For clarity as to what is being considered, an updated plan which shows the amendment from the scheme approved by 2022/92183 and all elevations and floor plans approved by 2022/92183 has been submitted.

- The garage conversion has been demolished and re built the building

This matter cannot be revisited as part of this application given it relates to a separate planning consent.

- Laurel hedge has grown large and impacts neighbours

It is considered that this matter cannot be controlled as part of this application and separate legislation in relation to high hedges is in place which can see action taken if appropriate.

- Flouting of rules has been undertaken, with little consequence

Enforcement case(s) applicable to this site are not considered to be a consideration which is material to the determination of this case.

- Proposal should be re submitted / re publicised
- Gained access / ownership of property on 24th July and tried to make comments via website from 25th July onwards but was unable to.
- Comments could be submitted via website until 25th July rather than 28th July.

This was brought to the attention of the Case Officer on 27th July and the system updated to allow for comments to be submitted via the website until 28th July. Comments were received via email on 27th and also on 29th July. The notification letter sets out that comments can be provided either online or by email, or letter. It is considered that the requirements of legislation and the Council's Development Management Charter have been met with the date in the letter and the various ways in which comments could be submitted. It is not considered necessary for further publicity to be undertaken in this case. The determination of the application has taken into account all comments made up to the date at the end of this report.

Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation – Delegated Powers

Application Number: 2023/91803

Officer Recommendation: Conditional full permission

Conditions

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 21, 22 and 24 of the Kirklees Local Plan.
2. The hereby approved dwelling 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. All new retaining walls required to facilitate the hereby approved development 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. Prior to the first occupation of the hereby approved dwelling a 1.8 metre high obscurely glazed privacy screen shall be installed on the eastern side of the balcony that serves bedroom 2 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.

6. 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 the 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.

7. Before the occupation of the hereby approved dwelling, one electric vehicle recharging point shall be provided either within the dedicated parking space. 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.

8. 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 (ref: Morfe Valley Environmental Ltd, ref MVE/AM _021/2021/03 dated 02/07/21) and Tree Protection Plan (ref: 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 Local Plan and advice within the National Planning Policy Framework.

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 / document Type	Reference	Version	Date Received
Application Form			19 th June 2023
Location Plan			19 th June 2023
Existing site plan	2165-01		19 th June 2023
Existing Plans and Elevations	2165-03		19 th June 2023
Block Plan			19 th June 2023
Proposed Site Plan	2165-02		19 th June 2023
Proposed Plans and Elevations	2165-04revA		1 st August 2023
Climate Change Statement			19 th June 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. An updated drawing (ref: 04revA) was requested and has been submitted to show the entire dwelling which is proposed and also the floor plan layout.

Report Dated: 16th August 2023

