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:	**2023/62/91887/W**
Site Address:	Adj, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR
Description:	Demolition of existing building and erection of two dwellings
Recommending Officer:	William Simcock

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 October 2023

Officer Report 2023/91887
Adjacent to 5 Fernside Avenue, Almondbury

Site Description

The site consists of a former barn, most recently used as a builders' store, and associated land. The barn is built on to the end of a row of 3 dwellings, of which the nearest, 5 Fernside Avenue, is two-storey and un-Listed, whilst the other two, 1-3 Fernside Avenue, are Listed and three-storey. The row faces Fernside Avenue, and is elevated above it, but is separated from it by a narrow informal access track that provides access to Fernside Avenue at the junction with Almondbury Bank.

The site includes the strip of land between 1-3 Fernside Avenue and the highway, and also some land to the side and rear, part of which is surfaced in gravel and used informally for parking. The site is near-level with only gentle gradients. There is some slightly higher land at the rear which does not form part of this application. The buildings are built in stone and stone slates.

Description of Proposal

The proposal is for the demolition of the existing building and the erection of two dwellings, which would be built in the form of townhouses adjoining and continuing the line of 1-5 Fernside Avenue. The development would have a total length of 11.2m and a front-to-back measurement of 7m.

Each dwelling would be provided with a single parking space immediately adjacent to its own rear elevation, with a further two spaces described as "additional parking" to the north-west, to the rear of no. 5's fenced garden. Access would be by means of a 5m wide shared driveway which would incorporate a turning head located at the northern corner of the site. The bin store would be located at the front.

Amenity space would consist of two garden plots of roughly 30sqm each, situated on the opposite side of the access road, and two paved areas of 13sqm each adjacent to the rear of each dwelling alongside the private parking space.

Living accommodation would comprise two bedrooms, study, bathroom and open-plan living room / dining room / kitchen.

Summary of amendments received

22-Sept-2023: Amended site layout plan with bin collection point added.

This was not re-advertised as it was not considered to raise material new planning issues.

Relevant Planning History

95/92833 – Change of use of existing depot building and yard to one dwelling and residential garden. Approved, not implemented.

2001/90799 – Reuse of former barn and new extension to form dwelling and erection of detached double garage. Approved, not implemented.

2017/94072 – Demolition of existing builder's store / depot and erection of 2 terraced dwellings. Conditional full permission.

2018/93741 – Demolition of existing builder's store/ depot and erection of 5 dwellings and detached garage, formation of new access road and parking area. Invalid.

2019/91617 – Demolition of existing builder's store/ depot and erection of 5 dwellings, formation of new access road and parking area. Refused and appeal dismissed.

2019/94052 – Demolition of existing builder's store / depot and erection of 5 dwellings, formation of new access road and parking area. Invalid.

Pre-application enquiry 2021/20087 – Proposed erection of 4 no. dwellings. Officers advice was that there were unresolved concerns about access to the site.

2023/91434 – Erection of 2 dwellings. Withdrawn / invalid.

Representations

Final publicity date expires: 04-Aug-2023. Publicity was by site notice and press advertisement in addition to neighbour letter because it would affect the setting of a Listed Building.

No representations have been made.

Consultation Responses

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

- KC Highways Development Management – No objection in principle but have some remaining concerns about bin collection point.

- KC Planning (Conservation & Design) – No objections subject to condition.

- KC Ecology – No objection subject to condition.

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 without designation in the Local Plan proposals map.

- The development would affect the setting of two Listed Buildings, 1-3 Fernside Avenue.

English Heritage ref. 1134261-2.

List description:

FERNSIDE AVENUE 1. 5113 Almondbury No 1 SE 1615 40/511 II GV 2. Early or mid C19. Hammer-dressed stone. Pitched stone slate roof. 3 storeys. One 8-light stone mullioned sash with glazing bars on 1st and 2nd floors. One 5-light stone mullioned window on ground floor. Door with 2 moulded panels.

FERNSIDE AVENUE 1. 5113 Almondbury No 3 SE 1615 40/512 II GV 2. Early or mid C19. Hammer-dressed stone. Pitched stone slate roof. 3 storeys. One 6-light stone mullioned sash on each floor (one light blocked on 1st floor).

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7**: Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 35:** Historic environment
- **LP51:** Air Quality
- LP53 – Potential contamination

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published September 2023, 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development: Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

> "The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of

NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement for application, where applicable, will be set out in the officers’ assessment.

When making decisions on planning applications for development that affects the setting of a listed building there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the Local Planning Authorities must have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 16 of the NPPF and policy LP35 state that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

The proposal will be assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP11 – Housing must aim to provide a mix in terms of size and tenure.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.
- LP53 – Potential contamination should be remediated or measures incorporated to ensure it does not cause harm.

The site is classed as “previously developed” within the meaning of the NPPF. This does not imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).

Whilst the achievement of a mix of size and tenure in a multi-unit scheme is desirable, Policy LP11 specifies that schemes of more than 10 units or those covering an area of greater than 0.4ha should provide a mix reflecting the proportions of households that require housing and achieve a mix of house size and tenure. For a small minor scheme such as this, it would be unreasonable to treat this requirement as being mandatory.

The proposal is in most respects a resubmission of the 2017 application for the erection of two dwellings. There have been significant changes in the policy context since that time, including the adoption of the Local Plan in place of the Unitary Development Plan and the adoption of Supplementary Planning Documents including the Housebuilders’ Design Guide. Whilst there is now an increased emphasis both on good design and residential amenity for future occupiers than there was before, many of the same underlying principles will be still apply. It is considered that the 2017 permission, although expired, can be given moderate weight as a material consideration.

A full assessment will however be undertaken in relation to amenity, highway safety, environmental and other criteria, as set out in the aforementioned Local Plan and NPPF policies, to be examined in detail below.

2 –Impact on visual amenity: The proposal will be considered having regard to the aims of LP24a, and also those of the Housebuilders’ Design Guide, in particular:

> Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
> Principle 8 – Transition to open land to be carefully considered.
> Principle 13 – Materials should be appropriate to the site’s context.
> Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
> Principle 15 – The design of the roofline should relate well to the site context.

The proposed dwelling would be located very close to nos. 1 & 3 Fernside Avenue, two grade II listed buildings. Consultation has taken place with the Conservation Officer.

The existing barn retains some traditional features but is much altered and is not considered to be of sufficient historical interest to qualify as a heritage asset. Its demolition would therefore not be a loss to the character of the area.

The two proposed dwellings would in terms of scale and layout be seen as a continuation of the short terraced row. Roof style and other design details,

including fenestration, would copy or at least reference the local vernacular architecture.

It is considered that the new dwellings would relate well to the existing site topography and would not appear overly prominent as they would be seen in the context of gently rising land to the north. The placement of doors and windows, and the design and pitch of the roof, would relate to the street frontage and context.

The details state the elevations are to be constructed in natural stone with ashlar surrounds to openings to match the existing. Conditions requested by Conservation & Design are: (i) that a sample walling panel should be prepared for inspection; (ii) that the roofing materials be natural stone slates (not artificial as requested) and (iii) that the windows on the south-eastern elevation should be conditioned to be constructed in timber, but there can be a relaxation to the north-western elevation. It is considered that mandating the use of natural stone slates and details of pointing would be disproportionate since the new development does not directly adjoin a Listed Building, and even artificial stone slates (for which details can be conditioned) would be an improvement on the flat concrete tiles that were approved for the 2017 proposal. Similarly, it is considered that non-traditional window materials (such as grey UPVC or aluminium) would not give rise to a discordant appearance.

Given the sensitivity of the site it is recommended however that gutters are supported by corbels or brackets, not fixed to a fascia board, and are of traditional profile, and that gable ends are terminated with a mortar joint not bargeboards, in the interests of ensuring that they harmonise with the traditional appearance of no. 5 as well as the listed 1-3 and do not give rise to a jarringly modern feature.

It is considered that the development would result in an appropriate balance of built development and open land, and of hard and soft landscaping, in a way that is in keeping with the existing development, 1-5 Fernside Avenue.

In conclusion, it is considered that the development, subject to samples of walling and roofing materials being submitted, would at the very least conserve the setting of the Listed Buildings and possible result in a modest enhancement through the removal of the dilapidated barn, and more generally would conserve the townscape and visual amenity. The proposal would thereby accord with the aims of Policies 24(a) and 35, the principles within the SPD listed above, and Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity: The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

The new dwellings would have their main outlook to the north-west (rear) and south-east. In both aspects they would enjoy an acceptable outlook and receive adequate amounts of natural light. They would also avoid compromising the privacy of neighbouring properties by causing overlooking at close quarters. They would not give rise to an overbearing impact on other properties since they would not project beyond the front or rear of the existing nos. 1-5 and would be removed from any other third-party dwellings by a large separation distance. The minimum distances specified above would be complied with.

It is proposed a 1.8m close boarded fence be erected between the two properties to separate their rear yards and garden plots from each other. The plans do not specify what privacy measures will be installed or retained between the new plots and existing development (nos. 3 and 5). At the time of the case officer's most recent site visit, there was a fence marking the boundary. It is would be possible to impose a prescriptive condition specifying that a fence 1.8m in height should be erected (or the existing one retained), but the plans also fail to specify what the boundary treatments to the rear and north-eastern side boundaries would be, so it is considered that it would be advisable to impose a condition requiring a detailed scheme before the houses are first occupied.

Aggregate internal floorspace would amount to 68sqm per dwelling. This falls short of the recommended minimum by 2sqm. It is considered that in the

circumstances, taking into account the recent permission, giving appropriate weight to the housing land supply position referred to in Part 1, and as the erection of a significantly larger dwelling could compromise vehicle access and circulation, this very minor shortfall can be accepted.

The amount of private amenity space is considered to be commensurate in scale to the dwellings that are proposed and is an improvement upon the previous scheme in both amount and quality.

In conclusion, it is considered that the development would deliver an acceptable standard of living for future occupants and would not detract from the amenities of any existing dwelling. It would thereby comply with the aims of LP24(b) and the relevant parts of the SPD, subject to the conditions on fencing set out above.

4 – Impact on highway safety: The existing access to the site does not meet adopted standards, and furthermore the junction with the public highway has poor visibility and is very close to a formal road junction. For these reasons, the access is not ideally suited to serve any new residential development. It is considered that only limited weight should be placed on the historic use of the site since this ceased many years ago and it has not been firmly established that the site has a lawful use. Placing an appropriate amount of weight upon the previous permission, and in view of the lack of proven highway safety problems arising from the existing access or historic use of the site, it is considered that the additional vehicular movements arising from the erection of just two new dwellings would not give rise to a level of danger or inconvenience to road users that would justify a refusal.

The arrangements would provide two parking spaces per dwelling. This is a standard number for a two-bedroom dwelling under the Highways Design Guide and is therefore deemed acceptable. It is generally recommended that one visitor parking space be provided for every four new dwellings. For a development consisting of three or fewer dwellings, this may be “rounded up” to one space depending on officers’ assessment of the impact the development would be likely to have. In this instance, following the approach that was taken in assessing the 2017 application, and current Highway Officer’s advice, a visitor space is not considered necessary, since it is unlikely that all four spaces would be in use at the same time, and visitors would also have the option of parking on the shared layby adjacent to the site.

A vehicle tracking plan has been supplied showing that a standard car or small van would be able to turn within the site. The arrangements would not permit a refuse collection vehicle to turn, so kerbside collection is the only realistic option. The latest plans show a collection point a short distance in from the junction with the public highway. This provides spaces for up to 4 refuse containers, the nearest being 9m from the highway boundary. This is marginally over the recommended maximum carry distance for refuse workers (8m) but there is probably no better alternative; if the bins were placed closer

to the junction, where both the track and the grass verge become narrower, it would result in greater inconvenience to users of the shared access track.

In conclusion, it is considered that the proposal would result in a development with an acceptable means of access to the public highway and that would not give rise to a material impact upon the safety or convenience of other highway users. It would therefore comply with the aims of LP21-22, and Principles 12 and 19 of the HDG SPD, subject to the provision and subsequent retention of vehicle parking and turning areas and waste collection areas.

5 – Other matters:

Climate change:
A Climate Change Statement has been submitted which sets out the following proposals:

- The dwellings will be highly insulated beyond the standards set out in the Building Regulations.
- Construction materials will be sourced locally where possible.
- They have been oriented to take advantage of the path of the sun.
- Water- and energy-efficient appliances will be used where possible.

The site is considered to occupy a moderately sustainable location, being approximately 400m from a bus stop with at least an hourly service to Huddersfield Town Centre.

It is noted that the front windows would be able to benefit from morning sunlight, whereas the rear windows would receive only early-evening sunlight, which would provide a degree of passive heating and natural light whilst limiting the possibility of overheating in the summer.

It is considered that it would be reasonable, however, in the interests of clarity and of ensuring that the development contributes to national and local carbon reduction aims, LP24(d) and Principle 18 of the HDG SPD, to require further details of insulation measures to be submitted by condition, or alternatives such as solar panels.

Biodiversity:
The site is in the bat alert layer. A bat survey report has been submitted with the application, which concludes that the building has low potential to support roosting bats and bat numbers locally are low. The Council Ecologist has not requested that any further survey work be undertaken, but recommends that the roof tiles should be removed by hand to avoid disturbing potential roost features are limited to mainly under roof tiles. Since this would be difficult to

enforce, the case officer's recommendation is that this be applied as an advisory footnote only.

The remainder of the development site appears to have very limited biodiversity value. The Biodiversity Net Gain Metric is not normally applied in the case of minor applications, unless the site is deemed ecologically sensitive. The Ecology Officer recommends the installation of a sparrow terrace as an enhancement measure. It is considered that this would deliver an acceptable degree of enhancement in line with the aims of Policy LP30 and Chapter 15 of the NPPF and that it can be the subject of a prescriptive condition.

Contaminated land:
The site is adjacent to an area of potentially contaminated land (a substation) but is not itself believed to be contaminated. The standard condition on reporting of unexpected contamination will be added as a precaution in accordance with the aims of LP53.

Drainage:
Policy LP28 and Chapter 14 of the NPPF promote the use of sustainable methods of drainage (i.e. methods other than direct mains disposal) in the interests of minimising the contribution that new developments make to flood risk. The site itself does not sit within land known to be at risk from flooding. The application form – "Assessment of Flood Risk" – proposes that surface water will be disposed of either by means of a soakaway or a sustainable drainage system. A soakaway is shown on the plans. The installation of a soakaway would require consent under the Building Regulations so as to ensure that it will not give rise to flooding elsewhere. It is considered that it would not be appropriate to seek to replicate these controls here. In the event of a soakaway being found to be unviable, it is considered that mains drainage would be an acceptable alternative, in view of the small scale and number of units, and since it would in part be replacing an existing building. Foul sewage would drain to the mains.

It is recommended it be conditioned that parking spaces either be formed in permeable materials or drain to a soakaway. In line with the approach that has been taken on other minor housing applications in similar circumstances in recent years, no further conditions on the drainage of the site will be imposed.

Withdrawal of permitted development rights:
Approval should be conditional on permitted development rights being withdrawn for extensions (including roof extensions) and outbuildings, as, on account of the very limited curtilage space, these could lead to the appearance of overdevelopment, give rise to an overbearing impact on established dwellings, and possibly harm the setting of the Grade II Listed Buildings referred to earlier, contrary to the aims of LP24 and 35.

6 – Representations: No representations have been made.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2023/91887**

Officer Recommendation:

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 21, 22, 24, 28, 30, and 35 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide SPD.

3. Samples of all facing and roofing materials shall be left on site for the inspection of, and approved in writing by, the Local Planning Authority, before work on the
superstructure of the new build commences and the development shall be completed using the approved materials.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

4. Gutters shall be supported by corbels and shall not be fixed to a fascia board.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

5. Gable ends shall be terminated with a mortar joint and without bargeboards.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

6. Prior to any new dwelling being occupied, the areas shown to be used for the parking and turning of vehicles within the site, as shown on the submitted vehicle tracking plan, shall be surfaced and drained. Parking and turning spaces shall be surfaced in accordance with the Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, unless arrangements have been made to discharge run-off water from the parking spaces to a soakaway within the site. The areas used for the parking and turning of vehicles shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.
Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

7. The areas indicated to be used on the proposed site plan for the storage and collection of wastes shall be laid out with a hard surface and made available for use before the dwelling to which they relate is first occupied, and shall thereafter be retained as such, free from obstructions to the storage and collection of wastes.
Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety and efficiency or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

8. One electric vehicle recharging point shall be installed within the dedicated parking area for each of the approved dwellings before the dwelling to which the recharging point relates is first occupied. 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 points so installed shall thereafter be retained.
Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

9. Notwithstanding the details on the approved site plan, details shall be submitted to and approved in writing by the local planning authority before any new dwelling is first occupied of the boundary treatments for the site, including any existing boundary fences or walls to be retained. The approved boundary treatments, including those forming the boundaries to the garden plots of the new dwellings, shall be erected or installed before any new dwelling is first occupied and thereafter retained as such.
Reason: In the interests of visual amenity, to protect the privacy of existing and future residents, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Principle 5 of the Kirklees Housebuilders Design Guide SPD.

10. A minimum of one house sparrow nesting feature (Schwegler 1SP sparrow terrace, or similar) shall be installed on the rear elevation of the new development at eaves level, and not directly above a door or window, before any part of the new development is first brought into use. The feature shall be retained thereafter.
Reason: To ensure that biodiversity net gain is delivered in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

11. Before development commences, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.
Reason: This is a pre-commencement condition to ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP26 of the Kirklees Local Plan and Principle 18 of the Kirklees Housebuilders Design Guide SPD.

12. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country
Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification, no development falling within Classes A, B or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
Reason: So as to retain adequate planning control over the site in the interests of
preventing inappropriate extensions or outbuildings leading to a loss of visual or
residential amenity arising from overdevelopment or overbearing impact, or negative impact upon the setting of the Listed Buildings, 1-3 Fernside Avenue, and to
accord with the aims of Policies LP24 and 35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

13. 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works on site 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. No part of the site shall be brought into use until such time as the whole 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 that the development does not lead to pollution of the environment or harm to human health, and to accord with the aims of Policy LP53 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: As a precautionary measure, it is recommended that the removal of roof tiles be undertaken by hand before the existing building is demolished, so as to eliminate the risk of bats being accidentally harmed during the demolition process.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			26-Jun-2023
Existing site / block plan	(EX)01	B	26-Jun-2023
Existing plans and elevations	(EX)02		26-Jun-2023
Proposed site and block plan	(AL)01	F	03-Oct-2023
Proposed ground floor plan	(AL)02		26-Jun-2023
Proposed first floor plan	(AL)03		26-Jun-2023
Proposed Elevations	(AL)04	A	26-Jun-2023
Vehicle tracking plan	1438-01	A	26-Jun-2023
Access statement	1438		26-Jun-2023
Bat survey report	John Gardner		26-Jun-2023
Climate change statement			26-Jun-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 requested amendments to the layout in the interests of ensuring that satisfactory refuse storage and disposal arrangements would be incorporated into the scheme.

Report dated:

12-Oct-2023