

**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:	<b>2023/62/92549/W</b>
Site Address:	25, Lynndale Avenue, Birkby, Huddersfield, HD2 2XP
Description:	Change of use and alterations to convert one dwelling/HMO to 2no. self-contained, single bedroom flats (within a Conservation Area)
Recommending Officer:	Tom Hunt

**DECISION – Conditional full permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date:** 27<sup>th</sup> November 2023

## Officer Report

### Site Description

2023/92549 – 25, Lynndale Avenue, Birkby, Huddersfield, HD2 2XP

The application site relates to an end terraced, two-storey dwellinghouse faced with natural stone with red brick and slate side gable roof. It has a small front amenity space bounded by low natural stone walls with metal railing. There is an external, side access pathway to the rear amenity space which is hard surfaced and on ground level raised above its ground floor. It benefits from an original, single-storey, rear projection.

It resides in Birkby Conservation Area, which is characterised by its late 19th century, stone-built, terraced housing with historic details and an undisturbed roofscape showing no dormers to the front and minimal examples of dormers to the rear. The rears of many terraces are clearly visible due to the network of rear access roads running between the opposing back gardens and make a notable contribution to the character and appearance of the conservation area. The residential area is quiet and there is a marked oversubscribed use of on-street parking.

### Description of Proposal

Change of use and alterations to convert one dwelling/HMO to two self-contained, single bedroom flats (within a Conservation Area)

It is proposed to have two existing side/northeast elevation windows made larger and an existing side elevation window converted to a door.

It is proposed to have a change of use from dwellinghouse to two self-contained double bedroom flats with access from the front for flat 1 and from the side for flat 2.

Flat 1 would have a gross internal floorspace of approx. 47sqm. The flat would comprise of a single person bedroom (~11.2sqm), shower-room, and open plan kitchen/lounge.

Flat 2 would have a gross internal floorspace of approx. 39sqm to 1<sup>st</sup> storey and 14.7sqm to the attic. The flat would comprise of a single person bedroom (~9.3sqm), shower-room, open plan kitchen/lounge and upstairs area.

Externally 4 bins have been set out to the side of the host and two parking spaces (2.4m by 4.8m) set at right angles to each other to the rear.

**Officer Note:** Plans indicate lower internal floor space for each flat as they exclude the staircase; the Officer has measured the Gross Internal Floor space in accordance with the Nationally Described Space Standards (NDSS).

The Design and Access statement and application form contradicts itself indicating that the property is a three bedroom property (C3 Use) and a five bedroom small HMO. The existing layout indicates that there are 3 bedrooms consisting of two small double bedrooms and one single bedroom and therefore has been assessed as a dwellinghouse for 5 people for the purposes of comparing occupancy.

While double beds have been set out in plans, the agreed change of description has been assessed under NDSS criteria for good living standards. Occupants can choose to have a small double bed if they wish.

### **History of negotiations/amendments received**

The case officer considered the application on review and sought amendments to accurately reflect the existing arrangement with openings and to remove the dormer to the front. Less than substantial harm was identified to the Conservation Area through large dormers and an overly dominant appearance to the host and streetscene; a request for public benefits was not responded to. In addition, it was identified it was not be a scheme compliant with NDSS.

The agent wished to amend the scheme further on notice of Refusal following receipt of the first set of amended plans. The description had been altered with agreement from the agent with further amended plans received to comply with NDSS.

### **Relevant Planning History**

No previous planning applications or pre-applications for this site.

It is noted that to the north side of the street, rear dormer extensions had been previously permitted however the planning history for the south side of the street within Birkby Conservation Area remains consistent in upholding the special character of the Conservation Area in controlling carefully the impacts of development to the Area.

### **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and press publicity with a final expiry date of 20/10/2023.

Four representations have been received Objecting to the scheme; a summary of the comments received is set out below:

- Visual amenity – dormers will be out of character with the area
- Parking – oversubscribed
- Character – altering dwellinghouse to three flats would change the character of the area

- Overlooking – dormer will increase overlooking and loss of privacy
- Overshadowing
- Noise

This is discussed in more detail within the Visual Amenity, Residential Amenity and Highway Safety sections of this report. Amended plans received were not readvertised as they reduced the visual impact of the original proposal and did not substantially harm the potential impacts on residential amenity.

## **Consultation Responses**

No technical consultees required.

## **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 27<sup>th</sup> February 2019).

The site is in the Birkby Conservation Area on the Kirklees Local Plan. It is within a Bat Alert layer, historic landfill buffer Area and a Low Coal Risk Area. Sewers are still operational within the site. It is within an Indicative Critical Drainage Area and flood zone 1.

### **Kirklees Local Plan (LP):**

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 11 – Housing Mix and Affordable Housing**
- **LP 20 – Sustainable travel**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**
- **LP 43 – Conserving and enhancing the water environment**
- **LP 53 – Contaminated and unstable land**

### **Supplementary Planning Guidance and other considerations**

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

- Kirklees Climate Change Guidance for Planning Applications (2021)
- Planning (Listed Building & Conservation Areas) Act (1990)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05<sup>th</sup> September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- 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 heritage amenity
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g., trees/ecology
- 6) Representations
- 7) Conclusion

#### 1 – Principle of development:

##### *1.1 Sustainable Development*

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The Principles in the Housebuilders Design Guide SPD have been used as a guide in considering the proposal’s amenity impacts on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

### *1.2 5 Year Housing Land Supply*

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. Housing applications should be considered in the context of the presumption in favour of sustainable development. The judgement for application, where applicable, will be set out in the officers' assessment.

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing. The site is unallocated land for development but is within Birkby Conservation Area. Paragraph 69 of the NPPF recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.*

Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the individual site characteristics dictate a lower density of development. This is further clarified by Principle 4 of the Housebuilders Design Guide which states that higher densities are supported in areas in or adjacent to town centres which are well served by public

transport and to secure more sustainable forms of development. The proposal would have two, single person, self-contained flats in C3 use and would reduce the occupancy of the existing arrangement to a more sustainable density in a mostly terraced residential area of high-density which is situated close to frequent bus routes. In terms of parking being adequate, this is discussed in the highways section of this report.

However, the provision of housing needs to be balanced against all material planning considerations outlined below.

### *1.3 – Heritage*

The site is located within Birkby Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

This is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 202 in Chapter 16 of the NPPF.

With regards to the Conservation Area, paragraph 195 of the NPPF states that:

*“Local planning authorities are to identify and assess the significance of any heritage asset that may be affected by a proposal... they should take this into account when considering the impact of a proposal on a heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 197 goes on and states that Local planning authorities should consider:

*“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness”* when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

## 2 – Impact on Heritage Amenity

With respect to heritage, s.72 of the Act, Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant.

Due to the nature of the proposal reducing the occupancy levels of the host and its minimal external alterations, the proposal is concluded to have a neutral impact on the character and appearance of Birkby Conservation Area.

### 3 – Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, the Housebuilders Design Guide SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.

The insertion of a side entrance door and the increase in size of the roof side elevation windows would be considered a minor visual alteration and acceptable.

As such, the proposal would be acceptable and would comply with Policies LP02, LP24 and LP35 of the Kirklees Local Plan, the Principles in the Housebuilders Design Guide SPD, Government guidance contained within Chapters 12 and 16 of the NPPF and uphold the Council's duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 3 – Impact on residential amenity:

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

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

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

Principle 6 of the Housebuilders 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.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Representations were received on how the change of use from dwellinghouse to three flats would alter the character of the residential area and the impact on noise. This was reduced to two flats following representations and the Officer's assessment of the original proposal's impact of the Conservation Area. Whilst the existing use is signalled as a C3/small HMO and the internal layout currently sets out use by 5 people, the proposed arrangements to supply accommodation for two single person households would not have a significant material change or intensification over the existing arrangement nor would be expected to contribute significantly to noise levels; as such it would not be reasonable to require additional insulation or a noise assessment for the proposal to mitigate against the change of use for two flats.

The proposed alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

*No.s 22, 24 and 27 Lynndale Avenue and No.s 22 and 26 Storths Road*

Due to the nature of the scheme, no additional impacts on residential amenity would result from this proposal to those neighbours.

*No. 23 Lynndale Avenue*

The neighbour would have two larger windows serving a hallway and attic room to the host's east elevation facing their blank side elevation; this would not significantly change the existing relationship to this neighbour in terms of overlooking or loss of privacy or have any other additional impacts on residential amenity.

*Future Occupiers*

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The NDSS is used as a guide for ensuring adequate minimum living standards. An one bed-one person dwelling would be expected to supply 37sqm with shower-room and 1m of inbuilt storage. The proposal would achieve this with sufficient space for storage and floor space along with adequate daylighting and outlook to meet lifestyle needs and good standards of amenity.

It could be considered that the current use as a 3 bed dwellinghouse for 5 people may not meet NDSS however this is mitigated by the lack of repeated facilities in white goods/sanitary ware allowing a much more efficient use of the space for a household.

As such, Officers recommend that the reduction of the occupancy levels of the property would have some modest beneficial impact in terms of privacy and adequate floor space for two single person bedroom flats for future occupants of the property. As such, this would comply with Principle 16 of the Housebuilders Design Guide SPD and the nationally recognised NDSS.

Turning to Principle 17 of the Housebuilders Design Guide SPD, it is considered that the lack of adequate, proportionate outdoor amenity space is unfortunate exacerbated by the provision of parking spaces within this at rear. However, it is also noted that other local dwellings have a similar arrangement and therefore the proposals are considered to be acceptable in this instance.

The proposal would therefore be in general conformance with LP24b and Principle 6 of the SPD for current residents and with Principle 16 and 17 of the Housebuilders Design Guide SPD, the Nationally Described Space Standards and Government guidance contained within Chapter 12 of the NPPF.

#### 4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the Highways Design Guide SPD and Chapter 9 of the NPPF have been considered along with the KC Highway Design Guide.

The Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. For a 2-3 bedroom dwelling, they should supply a minimum of 2 off street parking spaces; the proposal seeks to provide two off street parking spaces to the rear of the property with access via an unadopted road to rear of 1-39 Lynndale Avenue; Officers consider that the arrangement of parking spaces is set in such a way to be impractical for use with very limited turning capability within a narrow backstreet. This arrangement would not be optimal due to the narrow width impeding safe access. The reduction in occupancy levels is a material consideration reducing local pressure on parking demand and of benefit, the site is close to frequent public transport links, a few minor shops nearby providing provisions and is ~412m to the closest Local Centre at Birkby supporting car free travel; as such those factors may also support a lower provision of one off-street parking space per flat. In this limited instance, the proposed impact could be acceptable with those mitigatory car free considerations included, subject to a lower density of housing occupancy.

Bin storage is shown on the submitted plans adjacent to flat 1 and to the doorway of flat 2. This could be considered acceptable with no side elevation

windows at ground floor which may acceptably limit the noise impact of residents using the bins to flat 1. The bin arrangements would be set to the side of the property and could be considered conveniently placed for both collection and use in line with Principle 19 of the Housebuilders Design Guide SPD. Whilst it would fail to demonstrate a high standard of amenity for the occupants of flat 2 and 3 being set next to their doorway, this could be otherwise acceptable.

In conclusion, the proposed development would reduce the residential occupancy of the site, having an acceptable impact on street parking, subject to condition regarding the provision of parking spaces, and would therefore be acceptable in accordance with Policy LP21 and LP22 of the Kirklees Local Plan, the Highway Design Guide Supplementary Planning Document, Principle 12 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

## 5 – Other matters:

### *Climate Change*

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

### *Drainage*

The site is within a low probability Flood Risk Zone and an Indicative Critical Drainage Area and therefore a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP27 and LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

### *Biodiversity*

In consideration of biodiversity, Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance and Principle 9 of the Kirklees Housebuilders Design Guide seeks to have net gains in biodiversity. Chapter 15 of the National Planning Policy Framework mirrors those considerations.

Legislation in the Conservation of Habitats and Species Regulations 2017 protect the habitat and animals of certain species including newts, bats and badgers.

Whilst it is acknowledged that the site is located within an identified bat alert area, the minor scale of works proposed would have no impact on the bat population and would be on existing hardstanding with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it

acceptable in line with Principle 9 of the SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. An informative on bats has been attached to ensure applicants are aware of their lawful duty should bats be discovered.

*Contaminated and unstable land*

The site is within potentially contaminated land identified as a historic landfill buffer area in Council survey records. Considering that it would have the majority of its development within the existing footprint and potentially ground works to ensure properly drained surfaces, a precautionary condition based on discovery on unexpected contamination would have been attached to satisfy the requirements of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

Four representations had been received Objecting to the original proposal and planning material considerations were evaluated within the above sections of the report. The scale of the proposed development has been reduced and the dormers removed.

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 including NDSS. It is considered that the altered description and nature of development would constitute sustainable development offering a reduced impact on oversubscribed parking locally and is therefore recommended for approval.

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated**

**Application Number:** 2023/92549

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, the Principles in the Housebuilders Design Guide SPD, and Policies within Chapters 2, 12, 14 and 16 of the National Planning Policy Framework

4. Prior to the 2no. 1 bedroomed self-contained flats hereby approved being first brought into use, parking areas shown on plans shall be provided within the site as outlined on the hereby approved 'Drawing no. TR-A23-0702-004. Revision: F.' The spaces shall be 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 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These shall be thereafter retained free of obstructions and available for the parking of vehicles.

**Reason:** To ensure that sufficient parking and drainage is provided for the site and to accord with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the NPPF.

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

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

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

**Reason:** To ensure public safety and to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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

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

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent

must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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

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

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and Site Plan.	Drawing no. TR-A23-0702-001.	F.	23/11/2023
Location and Proposed Site Plan with parking layout.	Drawing no. TR-A23-0702-004.	F	23/11/2023
Existing Elevation Plans.	Drawing no. TR-A23-0702-003.	F.	23/11/2023
Existing Floor Plans.	Drawing no. TR-A23-0702-002.	F	23/11/2023
Proposed Elevation Plans.	Drawing no. TR-A23-0702-006.	F	23/11/2023
Proposed Streetscene Elevation Plan.	Drawing no. TR-A23-0702-010.	F	23/11/2023
Proposed Floor Plans with Bin Layout.	Drawing no. TR-A23-0702-007.	F	23/11/2023
Proposed Floor Plans.	Drawing no. TR-A23-0702-005.	F	23/11/2023
3D Views of Proposed Elevations.	Drawing no. TR-A23-0702-008.	F	23/11/2023
Proposed Site Section Plans.	Drawing no. TR-A23-0702-009.	F	23/11/2023
Design, Access & Heritage Statement	Design, Access & Heritage Statement by	Amended	23/11/2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
	Trend Architecture. Ref: TR-A23-0702. Date: 23/11/2023.		
Climate Change Statement	-	-	30/08/2023

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 negotiated on altering the proposal's description and plans to improve residential amenity for future occupants' basic lifestyle requirements for living space with reference to NDSS and the residential amenity and parking amenity for neighbouring properties and the relevant SPDs. Furthermore to amend the external alterations to preserve the character and appearance of the Birkby Conservation Area.

**Report Dated:** 27/11/2023