

**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:	2023/62/92592/W
Site Address:	Land off, Gate Head, Marsden, Huddersfield, HD7 6JR
Description:	Erection of detached dwelling
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 15th April 2024

Officer Report.

Reference: 2023/92592

Location: Land off, Gate Head, Marsden, Huddersfield, HD7 5JR

Proposal: Erection of detached dwelling

Site Description.

The application relates to part of an open field to the North East of No. 53 Gate Head. The site forms a parcel of land which is bound by close nit residential properties on the periphery of its southern boundary, detached properties on its eastern and western boundary and open Green Belt land to the north.

Land levels fall significantly within the site, from the South East to North West given the changes in topography.

The site is largely unallocated in the Kirklees Local Plan, with the adjoining land to the northern boundary of the site falling within land allocated as Green Belt in the Kirklees Local Plan.

Public Footpath COL/126/120 runs adjacent to the eastern boundary of the site.

The site is not within a Conservation Area and the closest Listed Building is located approximately 70 metres from the site.

Description of Proposal.

Planning permission is sought for the erection of a single detached dwelling. The proposed footprint of the dwelling would be approximately 10.5m x 6.0m and the height to ridge is 5.7 metres at the front elevation and 8.3 metres at the rear elevation. The dwelling would be three storeys at the rear and two storeys at the front, to respond to the natural topography of the land. Habitable space in the roof has been maximised by incorporating dormers.

The dwelling would be faced in natural coursed stone walling, with natural stone window and door surrounds and natural stone corbels at eaves level. The roof covering would be concrete tiles.

Entrance into the site would be off Gate Head to the south west of the dwelling, with on-site parking and turning provided.

Externally, stone steps are to be installed on the north east facing elevation and there would be a patio area outside to the rear. The remaining land which forms the amenity space would be grass.

Land to the front door slopes up towards the public footpath, so the plans would introduce a new retaining wall along this boundary, this would not exceed 0.9m in height to provide visibility of users of the public footpath. The existing retaining wall adjacent to No. 53 Gate Head would be extended to retain the land used for parking and turning.

History of Negotiations/Amendments Received.

The applicant / planning agent did submit a revised version of the 'Proposed Layouts and Elevations' plan on 23rd October 2023, due to an error on the original plans, regarding the internal layout of the dwelling, showing the cloak room as a bathroom.

Given the nature of the modifications made to the revised plan, internal layout only, it was not considered necessary in this instance to readvertise the scheme, with the original description of proposal remaining as existing and the extent of built form remaining the same.

Within the formal consultation response from KC Highways Development Management, the following comments were made: *'The parking spaces should be a minimum of 2.4m wide and 4.8m deep. Parking space 2 on drawing S03 appears narrower than the other two spaces...'*

In response to the Highways comments regarding the size of parking space 2, the planning agent provided clarification via email communication. The agent's clarification set out that the following:

- The dotted line within parking space No.2 actually represents the vehicle manoeuvre.
- The distance between parking spaces 1 and 3 is actually draw as 2.9m which is obviously in excess of the required 2.4 measurement.

An informal consultation was undertaken with KC Highways Development Management in relation to the agent's clarification regarding the size of parking space 2. The Highways Officer confirmed that, following this email explanation, they were satisfied with the size of the parking spaces provided.

In response to the first consultation response from KC Ecology, the applicant submitted a Preliminary Ecological Appraisal Report and Ecological Impact Assessment. Upon receipt of this, KC Ecology were reconsulted.

Relevant Planning History.

- 2007/94796 – Erection of detached dwelling with integral garage. *Refused.*

This application was refused for the following reasons:

1. *The proposed residential development is located on an undeveloped Greenfield site. The Government advises that Local Planning*

Authorities should make effective use of land by re-using land that has previously been developed. There is no reason to permit this development when there is adequate provision for housing on previously developed sites within Kirklees therefore the proposal is considered to be contrary to guidance conveyed in Planning Policy Statement 3: Housing (2006).

- 1. The site is located in an area where the local road network is substandard. The proposal would be accessed off Gate Head which is narrow and where its effective width is lowered further by the presence of parked cars due to the limited off street parking provision in the vicinity. Additionally pedestrian accessibility is poor, with little or no footway provision present. To approve the application would not be in the interests of highway efficiency, safety and sustainability contrary to Policy T10 of the Unitary Development Plan.*
- 2. The proposed detached dwelling would not be in keeping with adjacent terrace dwellings in respect of scale, density, layout and mass. To approve the application would be contrary to Policies BE1, BE2 and D2 of the Unitary Development Plan. Furthermore the proposal does not provide adequate space about dwellings. In particular there is less than 10.5 metres between the proposed habitable room windows on the rear of the property and the boundary of the adjacent undeveloped land, and less than 1.5 metres from the north-west gable to the north-west boundary of the site contrary to Policy BE12 of the Unitary Development Plan.*

Whether the reasons for refusal have been addressed / overcome or there has been a change in circumstances since the 2007 refusal is assessed in the following report.

Representations.

Final publicity date expires: -

Neighbour letters: 20 October 2023

Site notice: 25 October 2023

Press notice: 20 October 2023

In response to publicity, 14 objections were received and one general comment.

The objections and general comment set out the following, summarised, material concerns:

- The status on the 2023 application is a 'brownfield site' however status on the 2007 application is 'greenfield'; has this status changed. There was a refusal of permission in 2007.

- Dangerous increase of traffic on a small country road/track and parked cars are an issue for public service vehicles and delivery vans. Effects of access for larger construction vehicles. Concerns of visibility when exiting the drive.
- There have been problems with sewage back up and effluent coming to the surface. This proposed 'overload' would increase the danger of this happening again. There are no details in the proposal of how sewage will be managed.
- Gate Head is an historical route into Marsden, part of the Colne Valley circular route and many walkers use this footpath which is surrounded by historic and beautiful countryside.
- The effect on the privacy and security, with the proposed dwelling to look directly into and across neighbouring gardens and windows.
- Not in keeping with adjacent dwellings and would detrimentally alter the character of the area.
- No ecology report submitted and the proposals effect on the conservation of the natural environment.
- Issues in respect of drainage and water movement.
- Waste bin storage on submitted plans, would this be a permanent structure.
- There is no bathroom on the plans.
- Inconsistencies with height of floor levels.
- The proposal does not use old greenhouse footings.
- The footpath has been classified as a bridleway.
- Loss of parking to neighbouring property.
- HGV's cannot be easily accommodated.
- Increase in traffic.
- Health and safety impact upon pedestrians.
- Cross section and finished ground / floor level plans do not correspond.

- The site cannot be classed as brownfield.
- Why is this application being considered following the 2007 refusal.

The points raised within the third party representations which have been received will be addressed in the following report.

Consultation Responses.

KC Highways Development Management (formal and informal) – Consider the application to be acceptable on highways grounds with the inclusion of a pre-commencement condition regarding the submission of a schedule of the means of access to the site for construction traffic. KC Highways Development Management also recommend informatives regarding the public footpath and any retaining features.

KC PROW (informal) – concerns that the house would be at the end of a narrow road with limited parking. The current access to the development site appears to be used for parking for the adjacent property. Would like to ensure that the path be open for pedestrians and farm vehicles and would like further details for access to the site for construction vehicles in view of the narrow road and no turning.

KC Environmental Health (formal) –

Contaminated land: the proposed development site is not shown to be on land identified as potentially contaminated by its previous use, there are however many historic landfill sites in the Marsden area and groundworks are proposed. Therefore, recommend a condition in relation to unexpected contamination.

Construction noise: can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason, informatives should be included regarding the hours of operation for the site.

Electrical vehicle charging points: The Design and Access statement confirms in paragraph 3.4 that an EVCP will be provided at the proposed dwelling. We would remind the applicant that approval under the Building Regulations may also be required for the EVCP, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

KC Ecology (formal) – No objection to this application, subject to the inclusion of a condition upon any grant of approval, which is recommended within the submitted EclA.

KC Waste Strategy (Refuse & Recycling) – Waste Strategy Officers offer guidance relating to bin storage, bin collection and waste.

Planning Policy Background.

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).

Whilst officers acknowledge that the site is located adjacent to Green Belt land, the application site itself is not located within the Green Belt.

The site is not within a Conservation Area and the closest Listed Building is located approximately 70 metres from the site. Therefore, for these reasons, it is not considered necessary in this instance to further assess the proposal from a perspective of its impact to heritage significance, with no designated heritage assets to be directly affected by the proposed scheme.

Public Footpath COL/126/120 runs adjacent to the eastern boundary of the site.

The application site is located within an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated Land

Supplementary Planning Guidance/Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications for new dwellings. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Housebuilders Design Guide SPD (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 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. Most specifically in this instance, the below chapters are of most relevance:

- 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 & Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Guidance Documents:

- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Nationally Described Space Standards
- National Design Guide

Summary of Principle Planning Issues.

The following matters are considered in the assessment below: -

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

1) Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. 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.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, 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.

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The site measures around $\sim 1,109.93\text{m}^3$, therefore approximately 0.11 hectares. Therefore, whilst officers note that more dwellings could potentially be provided on site, to increase the density of housing development would increase the potential for other issues to arise, which could have a harmful impact, including impacts to highway safety and the potential to prejudice the use of the remaining land. Therefore the density of development is considered to be appropriate in this case.

Whilst officer's note reason 1 for refusal under previous planning application 2007/94796, since the determination of the application in 2007, there has been changes to both local and national policies with the introduction of the National Planning Policy Framework and the adoption of the Kirklees Local

Plan since the previous refusal, in addition weight is afforded to the Council's current position with regard to a 5-year housing supply.

Therefore, there are considered to be factors which weigh in favour of approval in this case with the change in the policy context against which the residential development of the land constituting a material change in circumstances since the 2007 refusal. In light of this change in the policy context against which development proposals must be considered, and the emphasis within the NPPF in relation to the presumption in favour of sustainable development it is concluded that the proposed development has overcome the previous reason (no.1) for refusal in 2007.

In this instance, the site comprises of a medium sized plot and there are residential properties adjacent. A more detailed assessment of the proposal's design and its impacts on visual and residential amenity, highway safety and other relevant considerations, is undertaken in the following report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it

fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Regarding the layout and siting of the proposed dwelling, 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.

The proposed dwelling would set back from the building line of the neighbouring terrace properties to the southern boundary by approximately 3 metres and therefore, would be set back from the highway of Gate Head by the same extent, 3 metres. Furthermore, the front elevation of the dwelling would be two storeys in height with dormers, the same level of storeys as the neighbouring properties to the southern boundary, with the neighbouring property of No. 51 Gate Head within the immediate locality, having a front dormer erected.

As such, given the set back and design of the principal elevation, it is considered that the building line of the proposed dwelling would not appear as overly dominant or obtrusive within the existing streetscene. The front elevation of the proposed dwelling would face onto the street.

In terms of the siting of the proposed dwelling, the submitted Design and Access Statement states that *“The dwelling is positioned as close as is practical to No. 53 and still provide turning and parking.”* Whilst offers note the close relationship of the terrace properties to the southern boundary of the site, there are other detached properties located within the immediate vicinity of the site, including those located east along Gatehead Bank.

Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types.

In response to the natural topography, the dwelling is three storeys at the rear and two storeys at the front, with dormers. The height to ridge is 5.7 metres at

the front elevation and 8.3 metres at the rear elevation. The submitted section drawing (Dwg No. S 01 A) demonstrates the response of the new dwelling in the context of the topography of the site and the surrounding dwellings to the east and west.

Upon any grant of permission, a condition will be imposed to ensure that the finished floor levels are in accordance with those annotated on the submitted plan titled 'Proposed Site Plan' (ref: S03). This condition would ensure that the height and floor levels of the dwelling be read appropriately within the context of the topography of the land.

It should be noted that the submitted Design and Access Statement states that *"The roofline of the new dwelling is similar to that of No. 53 and well below the dwellings along Gatehead Bank and so does not impact on the wider area."*

The new dwelling proposes a gable roof type, a well-established roof type within the street scene, matching the design of properties to the southern boundary and within the wider locality.

The dormers proposed within the principal elevation of the roof are small in size/scale and of a traditional vertical dormer design, which complements the roof type. The front dormers would therefore not appear as top-heavy or cluttered and would appropriately reflect the character of the host dwelling.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

The proposed style of windows and doors to the principal elevation of the new dwelling relate well to the street frontage and neighbouring properties, of a similar design, including regular windows and a front access door.

Fenestration detailing to the rear elevation of the dwelling would consist predominantly of regular windows, with one set of glazed bi-fold doors to the ground floor and roof lighting in the form of velux windows. These forms of fenestration are concluded acceptable.

Natural stone window and door surrounds would be incorporated.

To ensure that all new windows and doors are of an appropriate design and installed in appropriate materials, a condition shall be imposed upon any grant of approval, which sets out that no works to install new windows and doors shall take place until design details of all new windows and doors to be installed has been submitted to and approved in writing by the Local Planning Authority. This condition shall also state that the development shall be completed in accordance with the approved details which shall be thereafter retained.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

In respect of materials, the dwelling is to be finished in natural coursed stone walling and the roof covering would be concrete tiles. These materials are concluded to be consistent with the surrounding area.

In order to ensure that the materials are appropriately in keeping with the local vernacular and surrounding context of the site, upon any grant of approval, a condition will be imposed, requesting that details of all the external facing and roofing materials of the superstructure be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwelling. This condition shall also state that, thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.

The new dwelling would have a relatively large amount of hard standing to the principal elevation, however, in this instance, it is considered that the scale of the on-site driveway is acceptable, for reasons of providing adequate levels of on-site parking amenity space and on-site turning for vehicles. This will be discussed in greater depth in the 'Highway Safety' section of this report.

Paragraph 3.3 of the Housebuilders Design Guide SPD sets out that *“Development design in accordance with the Design Principles set out in sections 6 to 9 will support well-designed developments relate well to their immediate surroundings and the site’s broader context by responding to landscape, heritage, cultural and natural characteristics. New Developments will be integrated into the surrounding context and respond positively to local character, whilst being sensitive to its surroundings...”*

It is considered that conditions requiring the submission of details of boundary treatments, landscaping of the site and materials of construction, as well as surfacing to be undertaken, would be reasonable and necessary in regard to the visual impact of the development in the event of any grant of permission.

Whilst Officer’s have acknowledged and considered reason 3 for the previous refusal of application 2007/94796 which refers to the scale, density, layout and mass of the proposed detached dwelling. This application is considered to have overcome this reason for refusal, specifically as a result of extent of space retained around the built form of the proposed dwelling, with sufficient openness retained and fact that the proposed dwelling would not read as part of the development of the terrace, with an increased separation distance provided between the existing development(s) in the locality and that for which consent is being sought, such that it would ensure the visual impact would not be significant and would not detrimentally detract from that of existing built form in the locality.

With the inclusion of the aforementioned conditions, it is concluded that the proposed development would have an acceptable impact on visual amenity.

3) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

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.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable room;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

No. 53 Gate Head:

This property is located to the southern boundary of the application site.

The new dwelling would retain a separation distance of approximately 25 metres from the adjacent side elevation of No. 53 Gate Head. Therefore, given this separation distance, it is not considered that the proposal would result in any undue levels of overbearing or overshadowing to the dwellinghouse of No. 53 Gate Head or it's rear garden amenity space.

In addition, no glazing is proposed to the elevation of the new dwelling facing towards No. 53 Gate Head. Therefore, it is not considered that the proposal would result in any undue impacts to residential privacy with regard to overlooking.

The main private amenity space is immediately behind the new house (the patio area); therefore, it is not considered that the rear garden amenity space of the new dwelling would detrimentally overlook the rear garden amenity space of No. 53 Gate Head. The submitted 'Proposed Site Plan' shows that the land levels of the area of garden directly adjacent to the garden of No. 53 would not be significantly altered, therefore, resulting in minimal impact with regards to privacy.

No.'s 17 and 19 Gatehead Bank:

These properties are located to the east of the application site.

The new dwelling would retain a minimum separation distance of approximately 9 metres from the closest boundary of these neighbouring properties and a greater separation distance of approximately 23 metres from the neighbouring dwellings themselves.

As such, these separation distances work to conclude that the new dwelling would not result in any detrimental impacts of overlooking, overbearing or overshadowing.

Properties along Stubborn Road:

Stubborn Road is located to the west. The new dwelling would retain a separation distance of approximately 80 metres from the properties located along Stubborn Road. This extent of separation works to conclude that the new dwelling would not result in any detrimental impacts of overlooking, overbearing or overshadowing.

It is considered that the new dwelling would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

Amenity of Future Occupiers of the Proposed Dwelling:

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that 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.

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Moving onto amenity areas, Principle 17 of the SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. In this case, it is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

Taking into consideration noise and odour pollution, given that the application seeks permission of a four bedroomed dwelling within an existing residential area, it is not considered that the proposal would give rise to any noise or odour pollution over and above the existing circumstance of the surrounding area.

To protect the amenity of surrounding residents, upon any grant of approval, an informative which restricts noisy construction activities during construction works will be included within the decision notice.

In conclusion, with the inclusion of the aforementioned informative note, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6,16 and 17 of the Council's Housebuilders Design Guide SPD.

4) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the SPD states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

This application is for the erection of a four/five bedroom detached dwelling on land situated off Gatehead, a 30mph two-way carriageway rural access road of approximately 2.7m width at its narrowest with no footways or street lights.

The far point of Gatehead, adjacent to the proposed access, hosts public footpath COL/126/120.

The site is approximately 380m to stops on a medium frequency bus route and 1.2km to a railway station.

There are convenience stores and other services within 940m and it is approximately 700m to the closest school.

As part of the determination of this planning application, a formal consultation was undertaken with KC Highways Development Management, where the following comments were made:

The access to the site is along a narrow access road which may restrict the size of vehicles able to access the site and because of this, KC Highways Development Management would like to see a construction access management plan that provides details of the type and size of vehicles expected to access the site and the frequency and times of their visits, details of parking for contractors and delivery vehicles which will not block the access road or the public footpath, details of turning on site for all visiting vehicles so that they do not need to reverse on to the access road/public footpath for road safety reasons, details of any traffic management or use of a banksman for large deliveries (these may need to take place away from the site and be carried manually to the site) and the use and retention of wheel washing facilities to stop mud or debris from being deposited on to the highway for road safety reasons. Upon any grant of approval, this will be added as a pre-commencement condition.

The access to the site appears to be over an area, that could, at present, be currently utilised by the occupiers of neighbouring properties, specifically No. 53 Gate Head, as parking amenity space. Whilst officers acknowledge the comments made in the Highways consultation response regarding the loss of this land to create access to the new dwelling, in this instance, it would not be considered reasonable to require any compensatory parking spaces to be provided for the occupiers of any neighbouring properties, with this parcel of land registered with the application site on the Council's GIS mapping system and therefore, not considered to be formal parking amenity space belonging to any other property.

To fit with local and national guidance, three off-street parking places are required, with sufficient turning space to allow vehicles to enter and exit the site in forward gear. Drawing No. S03 shows three parking spaces with a swept path analysis indicating that a car can safely turn within the site.

Within the formal consultation response from KC Highways Development Management, the following comments were made: *'The parking spaces should be a minimum of 2.4m wide and 4.8m deep. Parking space 2 on drawing S03 appears narrower than the other two spaces...'* In response to this, the planning agent provided clarification via email communication. The agent's clarification set out that the following:

- The dotted line within parking space No.2 actually represents the vehicle manoeuvre.
- The distance between parking spaces 1 and 3 is actually drawn as 2.9m which is obviously in excess of the required 2.4 measurement.

An informal consultation was undertaken with KC Highways Development Management in relation to the agent's clarification regarding the size of parking space 2. The Highways Officer confirmed that, following this email explanation, they were satisfied with the size of the parking spaces provided.

The parking and turning areas should be finished with a permeable surface or drainage should be incorporated. Upon any grant of approval, this will be conditioned.

KC Highways Development Management emphasise in their consultation response that it is the responsibility of the applicant to check if any new retaining features, that may affect the adopted highway or public footpath, would require prior approval by the Kirklees Highways team. This is included as an informative in the decision notice.

Therefore, overall, with the inclusion of the aforementioned conditions and informatives, KC Highways Development Management consider the application to be acceptable on highways grounds in accordance with Local Plan Policies LP21 and LP22, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

With regard to bin storage and bin collection, submitted drawing No. S03 demonstrates the proposed location of both. The bin storage area is shown to be located off the highway and given that waste collection already takes place to the neighbouring properties along Gate Head, it is not considered that the introduction of one additional dwelling would disrupt the existing arrangements for waste collection.

Whilst Officers have acknowledged and considered reason 2 for the previous refusal of application 2007/94796 which refers to highway safety. The proposal submitted under this application is considered to overcome the concerns set out in reason 2 insofar as the fact the submitted plans demonstrate a sufficiently sized driveway with provisions for necessary on-site turning and vehicle manoeuvres and the appropriate number of on-site parking spaces provided as well as the ability for bin storage to be undertaken within the site.

For these reasons, the proposed development is considered to comply with the requirements of LP24 part d(vi), LP43 and the Kirklees Highway Design Guide SPD.

5) Other Matters

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 predates 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.

Principle 18 of the Housebuilders Design Guide SPD sets out that *“New proposals should contribute to the Council’s ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy.”*

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Biodiversity:

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide SPD states that *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.”*

Biodiversity Net Gain is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and therefore, developments must deliver a Biodiversity Net Gain of 10%, utilising the statutory Biodiversity Net Gain metric.

Under the new mandatory framework, there are three ways to Achieve BNG:

- On-Site Units: Developers can enhance and restore biodiversity within the red line boundary of their development site.
- Off-Site Units: Developers can also achieve BNG by enhancing biodiversity off-site (outside the development area). Developers could

also engage with third party habitat bank providers to deliver the required level of biodiversity units within their ownership.

- Statutory Biodiversity Credits: These are a last resort option. If developers cannot achieve BNG through on-site or off-site methods, they can purchase statutory biodiversity credits, which are facilitated by DEFRA and are likely to be of significant expense.

At present, we are unaware of any private habitat bank providers in Kirklees and the council has not secured an appropriate mechanism for securing money through the planning process and delivering units on their land. As such, if developments wish to proceed, they will need to do so by delivering BNG on their own land, or through purchase of statutory credits; a process facilitated by DEFRA.

The application site is located within an area with a known presence of bats.

As part of this application, the applicant submitted an Ecological Impact Assessment (EclA). The report details that the site comprises habitats of low or very low value and that there are limited opportunities for protected species. Therefore, it is considered that the proposals will result in minimal impacts on ecological receptors.

Upon formal consultation with KC Ecology, no objections were raised to the application, subject to the inclusion of a condition, which is recommended within the submitted EclA. This condition is regarding measures relating to the provision of habitat for wildlife and biodiversity enhancements.

Upon any grant of approval, a compliance condition is to be included, which would be worded so that the new dwelling could not be occupied until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to and approved by the Local Planning Authority.

With the inclusion of this condition, it is considered that the development would appropriately comply with the aforementioned policies, legislation and guidance relating to biodiversity.

Public Footpath:

Public Footpath COL/126/120 runs adjacent to the eastern boundary of the site.

To protect the continued use and functionality of this public footpath, a condition will be imposed upon any grant of approval regarding access and layout of the site for construction traffic and an associated informative note will also be included to indicate that the public footpath must not be interfered with or obstructed, prior to, during or after development works.

With the inclusion of the aforementioned condition and informative note, the scheme is considered to be acceptable with regards to policy LP23 of the Kirklees Local Plan.

Air Quality:

Government guidance on air quality mitigation outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24, LP26 and LP51 and the West Yorkshire Low Emissions Strategy Planning Guidance seek to mitigate Air Quality harm.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

Drainage:

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction. In practice, however, these principles are generally not applied for single dwellings or other housing developments of fewer than 5 units, as they are considered disproportionate.

The application form states that surface water would be disposed of via a soakaway and main sewer.

Separate legislation is in place which requires adequate drainage arrangements to be in place, notably the requirements for the development to gain building regulations approval. It is considered it would be unreasonable of the LPA to require that further foul / surface water drainage details be submitted given the separate requirements of building regulations and the size / scale of the development proposal.

Upon any grant of permission, a condition will be imposed to ensure that the finished floor levels are in accordance with those annotated on the submitted plan titled 'Proposed Site Plan' (ref: S03) to ensure satisfactory surface water drainage measures given the floor levels plan demonstrates any areas of hard surfacing would not be of a level which sloped towards / led to discharge of water into the highway .

6) Representations

In response to publicity, 14 objections were received and one general comment. Insofar as they are not addressed elsewhere in this report, the representations received are addressed as follows:

- Waste bin storage on submitted plans, would this be a permanent structure.

Officer Response: *The submission does not include any details of a bin store structure and therefore, officer's conclude the annotation relating to bin storage on the submitted plans is with reference as to where waste bins are to be sited. The location is considered to be suitable for the development proposal under consideration.*

- There is no bathroom on the plans.

Officer Response: *The submitted floor plans demonstrate that a WC would be located on the lower ground floor and a bathroom and an ensuite on the ground floor.*

- Inconsistencies with height of floor levels.

Officer Response: *Upon any grant of approval, the finished floor levels will be conditioned to be in accordance with those annotated on Dwg No. S 03.*

- The proposal does not use old greenhouse footings.

Officer Response: *The application is determined on the basis as applied for.*

- The footpath has been classified as a bridleway.

Officer Response: *Public Footpath COL/126/120 runs adjacent to the eastern boundary of the site. Officer's have acknowledged the presence of this public footpath throughout the assessment of the application, with a specific assessment of this feature set out within Assessment Section 5, sub-section 'Public Footpath'. It is considered that with the inclusion of a condition and informative, the scheme is acceptable with regard to this.*

- Loss of parking to neighbouring property.

Officer Response: *The area to the side of No. 53 would be surfaced and used as a driveway for the new dwelling. Any arrangements for parking for the occupiers of No. 53 on this land would be arranged separately as this is considered to be a private matter.*

- HGV's cannot be easily accommodated.

Officer Response: *Upon any grant of approval, a condition is to be imposed which states that prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA.*

- Health and safety impact upon pedestrians.

Officer Response: The application has been concluded to be acceptable with regards to impacts on highway safety, full details of this assessment are set out within Assessment section 4 of this report.

- Cross section and finished ground / floor level plans do not correspond.

Officer Response: The detail submitted is considered sufficient to allow the LPA to determine this case, whereby upon any grant of approval, the finished floor levels will be conditioned to be in accordance with those annotated on Dwg No. S 03.

- The site cannot be classed as brownfield.

Officer Response: Officers have not assessed the application as the site been brownfield.

- Why is this application being considered following the 2007 refusal.

Officer Response: Whilst the refusal of planning permission in 2007 has been acknowledged throughout this report, this application is assessed on its own individual merits.

Whilst officers' note the objections regarding the submitted details, the Local Planning Authority are satisfied with the information submitted and conclude that there is enough information to be able to determine the planning application.

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.

In light of the planning history at the application site, specifically the refusal of previous application 2007/94796, this new proposal is considered to be acceptable on balance when assessed against the present policy context which differs from the policies used to assess an application at the same site in 2007 and within the context of the Council's current 5-year land supply position and requirements of the NPPF.

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

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2023/92592

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with 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 specification 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, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The development hereby approved shall not be brought into use until a scheme detailing all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the height, location and construction of all boundary treatment. The boundary treatments approved by this condition shall be completed prior to the development being brought into use and retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and policies within Chapters 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
Reason: To ensure that there is a well laid out scheme of hard and soft landscaping in the interests of visual amenity to accord with LP24 of

the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians within the curtilage of the dwelling has been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. Should permeable or porous surfacing be intended to be used, no dwelling house shall be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians for that dwelling house has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Prior to construction of the superstructure hereby approved, details of all the external facing and roofing materials of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition as it is likely to impact on the construction methods.

7. No works to install new windows and doors shall take place until design details of all new windows and doors to be installed has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details which shall be retained thereafter.

Reason: In the interest of visual amenity and to accord with LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

8. The finished floor levels of the building and ground levels of the site shall be in accordance with those as annotated on the submitted plan titled 'Proposed Site Plan' (ref: S03). These approved levels shall be so retained for the lifetime of the development.

Reason: In the interests of visual amenity and highway safety and to accord with Policies LP24, LP21 and LP28 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

9. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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 Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

10. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of highway safety and to facilitate the continued

use and function of public footpath COL/126/120 and to accord with policies LP21 and LP23 of the Kirklees Local Plan.

11. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout of parking has been submitted to and approved in writing by the Local Planning Authority. Before any building

is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: In the interests of highway safety and to accord with policies LP21 and LP22 of the Kirklees Local Plan.

12. The new dwelling shall not be first occupied until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to the Local Planning Authority. The submitted scheme shall include details relating to:
- (i) specification and location of integral bat box,
 - (i) specification and location of integral bird box,
 - (ii) specification and location of insect holes,
 - (iii) provisions for hedgehogs including holes within boundary features and specification and location of boxes; and
 - (iv) planning of native species across the site.

The development shall not be brought into use until the approved scheme has been implemented. The scheme as implemented shall thereafter be retained.

Reason: In the interests of providing biodiversity net gain following the development to accord with Policies LP24(h) and LP30 of the Kirklees Local Plan, Principle 9 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: Contaminated Land

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.

NOTE: Construction Site Working Times

No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Public Footpath

Public footpath COL/126/120 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The email address is publicrightsofway@kirklees.gov.uk

NOTE: Retaining Features

Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the highways structures team for works near or abutting highway and any retaining structures. We would recommend providing details of all proposed retaining features and underground storage facilities (including pipes) to Farhad Khatibi (structures team leader 01484 221000) at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

NOTE: Bats

Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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: -

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Proposed Site Plan	S03	-	11.09.23
Draft Proposals	S 01 A	-	11.09.23
Proposed Layout and Elevations	S 02 A	-	23.10.23
Climate Change Statement	-	-	11.09.23
Design and Access Statement	-	-	11.09.23
Preliminary Ecological Appraisal Report and Ecological Impact Assessment	ER-7495-01	-	26.03.24

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 Planning 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 applicant / planning agent submitted a revised version of the 'Proposed Layouts and Elevations' plan, due to an error on the original plans.

In response to the Highways comments regarding the size of parking space 2, the planning agent provided clarification via email communication.

In response to the first consultation response from KC Ecology, the applicant submitted a Preliminary Ecological Appraisal Report and Ecological Impact Assessment.

Report Dated:

12.04.24
