

Planning Consultation Request

Town and Country Planning Act 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND

Observations By:	KC, Ecology Unit
Application No.	2023/93097
Proposed Development:	Erection of 5 dwellings (class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping
Location:	Land adjacent to, 196 Wakefield Road, Earlsheaton, Dewsbury, WF12 8AH
OS Map Reference	SE 425660.8618 421666.123
Applicant/Agent:	NL Jones Planning
Class:	Minor Developments

Your comments on the above proposal are requested. Please e-mail your comments in either a Microsoft Word or PDF Document to DC.Admin@kirklees.gov.uk by **13-Mar-2024**.

If you would like to contact the Case Officer: Nina Sayers for any reason then please do so on: Tel. .

The submitted plans and documents for the application can be viewed online at the Planning Service Website by holding down Ctrl and Clicking the link below:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/93097>

*If the plans are not available online after 5 working days of the date of this letter then please e-mail: DC.Admin@kirklees.gov.uk

If I do not receive your response by **13-Mar-2024** then the application may be decided without the benefit of your views.

Dated: 21-Feb-2024

Mathias Franklin
Head of Planning and Development

**Consultation Response from KC,
Ecology Unit**

2023/93097 Land adjacent to, 196 Wakefield Road, Earlsheaton, Dewsbury, WF12 8AH

Erection of 5 dwellings (class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping

Date Responded: 07/03/2024

Responding Officer: Gareth Hey

Responding Ref:

A combined Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA and PRA) has been submitted with the application.

The report details that the habitats at the site comprise mixed scrub and scattered immature trees, whereby the proposed development will result in the loss of approximately 0.4ha of this habitat. The report makes a number of recommendations with regards to tree protection and possible enhancements that could be incorporated into the scheme. These recommendations should be secured via an appropriately worded condition, should permission be granted.

A number of the trees at the site were scoped for their suitability to support roosting bats. The report determined that a number of the trees at the site contained either PRF-M features (suitable for bats on a more regular basis) or PRF-I features (limited number of roosting features). At present, it is stated that there will be no impacts to these trees, however, should this change, then the appropriate pathway will need to be followed in order to determine if bats are roosting within the trees and if an appropriate mitigation licence will be required, from Natural England. This is outlined within the recommendations within the submitted report.

It is considered that impacts to other protected species can be adequately safeguarded through appropriately worded planning conditions, as suggested below.

Overall, I have no objection to this application, subject to the following conditions.

1. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to bats, badgers, hedgehog and nesting birds.
 - b. Identification of “biodiversity protection zones”, where appropriate.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
 - f. Responsible persons and lines of communication.
 - g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30.

2. Prior to the commencement of development, details of the following ecological provisions and a timetable for their implementation shall be submitted to, and approved in writing by, the Local Planning Authority:

- the location, both within the site and upon dwellings, and design of one integrated swift box per dwelling
- the location, both within the site and upon dwellings, and design of two integrated bat boxes
- Location and design of access holes for hedgehogs (i.e., “hedgehog holes”) within fences throughout the site

The development shall thereafter be implemented in accordance with the approved details and timetable. The ecological provisions shall thereafter be retained.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

3. Vegetation clearance should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30.

4. A “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority before operational use of the building. The strategy shall:
- a. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework