

**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:	2023/62/93658/E
Site Address:	10, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW
Description:	Demolition of existing detached bungalow and detached garage and erection of two detached dwellings
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 25-Sep-24

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Officer Report

Site Description

10, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW.

The application site currently serves a detached, single storey dwelling with living accommodation in the roof space and associated amenity space. The dwelling is finished in brick and is located in a residential street with other dwellings which vary in terms of design and materials. There is also a flat roofed, double garage erected to the rear of the dwelling. Both dwellings would be finished in natural stonework to the front and rear and cream render to the side elevations under Marley Edgeware or similar dark grey concrete roof tile.

The site is unallocated within the Kirklees Local Plan and borders green belt land to the south. There is a tree to the front of the site which is protected by a tree preservation order.

Description of Proposal

The application is seeking permission for the demolition of existing detached bungalow and detached garage and erection of two detached dwellings.

The proposed dwellings would be two-storey, detached dwellings with living accommodation in the roof space. The proposed dwellings would have a pitched roof design with large integral double garages. There would be a small porch to the front and a flat roofed single storey element to the rear. The dwellings would mirror one another, set back within the proposed plot.

Off-street parking would be provided to the front of each dwelling with a shared access off Shepley Road. Amenity space would be provided to the rear of the dwellings.

History of Negotiations

The applicant sought pre-application advice on this application. No arboricultural information was submitted with the initial application, this was sought and provided. Officers raised concerns regarding the amount of hardstanding to the front of the dwelling and the ability for vehicles to turn within the site. Officers requested the plots mirrored one another to overcome this. Amended plans were sought and received. Following Environmental Health's consultation response, the applicant submitted a Phase 1 this was reviewed and following a further consultation response, a Phase 2 was submitted by the applicant and reviewed.

Relevant Planning History

Pre-application advice given.

Representations

The application has been advertised by neighbour notification letters, in the press and by a site notice. Publicity expired on 1st March 2024. One

representation was received in objection to the application. They raised the following concerns which will be addressed in section 6 of this report:

- The proposed windows in the side elevation at first and second floor level would result in overlooking harm to neighbouring occupants. Requested these openings are obscurely glazed.

Consultation Responses

KC Highways Development Management (informal) – no objections.

KC Environmental Health – no objections subject to conditions.

KC Trees – no objections.

KC Ecology – No response provided.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land.

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates 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 (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. 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 follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

In this case, the application site is unallocated land within a residential area. As such, it is appropriate to consider the Local Planning Authority’s overall housing position.

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

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

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate three to four dwellings. Two dwellings are proposed in this instance, which is considered appropriate given a proportion of the site is required for access, the protected tree and as more dwellings on the site would likely result in a cramped form of development that would fail to sympathetically integrate with existing development in the locality. It is also noted that the site currently only serves one dwelling so the proposal would be an increase.

Paragraph 70 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”.

It is noted that the site is directly adjacent to land allocated as Green Belt in the Kirklees Local Plan. The site would not encroach onto land allocated as green belt and neither would the proposed dwellings.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby 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.

LP24 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...”

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, 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.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The proposed dwellings are located within a residential street which varies in terms of design and materials. The properties to the west of the site follow a coherent building line. The existing property is set forward and the property to the east is set further forward and therefore the existing dwelling does not align with the building line. The proposed dwellings would be set back within the site. Whilst it is noted this would not align with the adjacent buildings, it is acknowledged that the dwellings have been set back so to not harm the

protected tree to the front of the site and to allow for sufficient parking provision. Given the directly adjacent dwellings do not follow a coherent building line and as there would be planting and an existing tree to the front of the site which would reduce the dwellings prominence within the Streetscene, it is considered the location of the proposed buildings would be acceptable.

The other properties on Shepley Road vary in terms of design. The dwellings on the southern side of Shepley Road are primarily two-storey with pitched roof designs, similar to the proposed dwellings. It is noted that the adjacent dwelling has glazed features not dissimilar from that proposed under this application. Therefore, it is considered that the design of the proposed dwellings would not cause harm to the visual amenity of the wider street scene. The dwellings would be finished in natural stonework to the front and rear and cream render to the side. The existing dwellings use a variety of materials including brick, stone and render as well as timber features. It is therefore considered that the proposed materials would be in keeping with the character of the wider street scene.

A 4.5m access would be included to the front of the property which would allow for vehicle access to the site. This is not dissimilar from the existing access or driveways at existing properties. No details of boundary treatment have been provided as part of the proposal. This could be secured by condition should approval be recommended.

It is therefore considered that the proposed dwelling would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapters 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 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 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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 SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;

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

The residential properties mostly likely to be affected by the proposed development are considered to be 8 and 12 Shepley Road. The impact upon these properties will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of other properties near the site, the proposed dwelling would be >21 metres from the surrounding properties.

Impact on 8 Shepley Road

8 Shepley Road is a two storey, detached dwelling to the east of the application site. There is a single storey, flat roofed garage between the application site and the side elevation of no.7. There is a first floor opening in the side elevation of no.8 which likely serves as a secondary window.

The proposed dwelling would be set 2.6m from the garage at no.8 and 12.8m from the side elevation of the main property which would be considered a sufficient distance to prevent any significant overbearing or overshadowing harm and would comply with principle 6 of the Housebuilder's Design Guide SPD. There would be three openings in the side elevation of the proposed dwelling facing no.8, serving a closet at ground floor and bathrooms at first floor level. As the first-floor windows would serve bathrooms, they would be obscurely glazed and therefore no overlooking harm would occur to the occupants of no.8 as a result of the proposed extension. Obscure glazing would be secured by condition should approval be recommended.

The inclusion of first floor habitable room windows in the rear elevation of the proposed dwellings are not considered to result in any harm to residential amenity. There is an established relationship and one that is usual of urban development. As such there are no concerns in this respect.

Impact on 12 Shepley Road

12 Shepley Road is a two storey, detached dwelling to the west of the application site. There are no first-floor openings in the side elevation of no.12 which front the application site.

The proposed dwelling would be set 3.3m from the side elevation of no.12 and whilst being set back from no.12, it would remain >2.3m from the shared boundary which would be considered a sufficient distance to prevent any significant overbearing or overshadowing harm and would comply with

principle 6 of the Housebuilder's Design Guide SPD. There would be three openings in the side elevation of the proposed dwelling facing no.12, serving a closet at ground floor and bathrooms at first floor level. As the first-floor windows would serve bathrooms, they would be obscurely glazed and therefore no overlooking harm would occur to the occupants of no.12 as a result of the proposed extension. Obscure glazing would be secured by condition should approval be recommended.

The inclusion of first floor habitable room windows in the rear elevation of the proposed dwellings are not considered to result in any harm to residential amenity. There is an established relationship and one that is usual of urban development. As such there are no concerns in this respect.

Amenity of the Future Occupiers

Principle 16 of the 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 proposed dwellings exceed the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed gardens are considered to be a good size for dwellings of this scale. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The scheme proposes two, four bedroomed dwellings with potential for an additional room in the roof space. The Kirklees Highways Design Guide SPD states that at least 3 on-site spaces are required for dwellings with 4+ bedrooms. The proposed site plans show off-street parking provision for two vehicles within the integral garages and at least one vehicle in each driveway. This is considered sufficient parking provision.

The proposed access would replace an existing access and is wide enough for two vehicles to pass one another. At the request of KC Highways DM, the applicant has demonstrated that vehicles can turn within the site so vehicles could enter and exit in a forward gear. KC Highways DM were informally consulted on the proposal and raised no objections.

No details of bin collection or storage have been provided. These can be detailed under a condition.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

The application site is located within a Bat Alert layer and would include demolition of a building. Therefore, a preliminary roost assessment was requested from the agent and a Bat Scoping Survey was provided. It concludes that the existing building has very few potential roosting features (PRFs) and the building is considered unsuitable to bats. Given the absence of PRFs and construction style of the building, it is considered unlikely to support bats and the building has been assessed as being of negligible value to roosting bats. Therefore, there are no statutory constraints to the project from the presence of bats. There are no requirements for further bat survey work and enhancement measures have been prescribed.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD.

Contaminated Land

KC Environmental Health (EH) officers were consulted on the proposed scheme. In support of the application a desk top report by RGS, dated 26/04/2024, ref: C4149/24/E/6338 has been submitted. The report submitted is a Phase 1 report and not a Phase 2 as titled.

RGS have appraised the site history and environmental setting information to form a preliminary risk assessment for the site. Briefly, a site walkover was conducted. An asphalt drive runs from the site entrance in the north up to the garage, the remainder of the site comprises grassed garden areas with occasional paving slabs. No other visible signs of contamination present during the time of the walkover. The site has been residential since the late 1950s and has not significantly changed since. The surrounding site history includes quarries, a railway and station. The site is not within a development high risk area regarding coal and there are no landfills (historic or active) identified by RGS, on or within 250m of the site.

Potentially contaminative sources identified by RGS include made ground and railway sidings. A conceptual site model in Table 8 identifies several potential pollutant linkages and it is concluded that an investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

KC EH therefore agree with the conclusions of the report and recommended further land contamination conditions. Following EH initial comments, the applicant submitted a Phase 2 report authored by Rogers Geotechnical Services Ltd which has been reviewed by EH.

The Phase 2 investigation builds upon the preliminary risk assessment (ref: C4149/24/E/6338) by assessing potential pollutant linkages identified in that earlier report. Soil sampling was conducted at three locations across the site (TP01-TP03), and laboratory analysis of the samples indicates that while some contaminants were detected, their concentrations remain below the adopted assessment criteria for a residential use with plant uptake scenario.

The updated conceptual site model and risk assessment, presented in Table 5 of the report, concludes that no significant source-pathway-receptor linkages exist that would pose a risk to the intended end-use of the site. Consequently, RGS has determined that no remediation is necessary. However, the report does include a recommendation for an inspection of the subgrade during any groundworks. Should contamination be encountered during these works, RGS have also recommended that additional testing and risk assessment would be required.

KC EH therefore accept the Phase 2 report and recommend a condition relating to unexpected land contamination. The site is within a Low Risk Coal Mining area so a Coal Mining Risk Assessment was not required and the Coal Authority were not consulted. The proposal therefore complies with LP51 and LP52 of the Kirklees Local Plan.

Trees

There is a tree located within the north-eastern corner of the site which is protected by a Tree Preservation Order (TPO). The applicant has submitted an Arboricultural Survey and Impact Assessment and an Arboricultural Methods Statement in support of this application. This has been reviewed by KC Trees who are confident that should all the advice given in both

documents be followed there will be no significant impact on the Protected sycamore to the frontage. No objections or further comments from an Arboricultural perspective. The development therefore complies with LP33 of the Kirklees Local Plan.

6 – Representations:

One representation was received in objection to the application. They raised the following concern:

- The proposed windows in the side elevation at first and second floor level would result in overlooking harm to neighbouring occupants. Requested these openings are obscurely glazed.

Officer response: It would be conditioned that the openings in the side elevations, facing neighbouring properties, are obscurely glazed.

7 – Conclusion:

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

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/93658

Officer Recommendation: Approve

Conditions:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The development shall not be occupied until the en-suite, bathroom and cloakroom windows in the side elevations of the dwellings hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, the dwelling hereby approved shall not be occupied until full details of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interests of visual amenity and to preserve the character of the historic environment in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 of the National Planning Policy Framework.

5. Prior to occupation of the dwellings hereby approved, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset

and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. If 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. 189 and 190 of the National Planning Policy Framework.

7. The dwellings hereby approved shall not be occupied until all areas indicated to be private drives and parking areas are 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

8. A bat and bird box shall be incorporated into the dwellings during the construction phase; the boxes shall be long-lasting Schwegler Bat Wall System 3FE or similar and Schwegler 'woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders SPD and Chapter 15 of the National Planning Policy Framework.

NOTE: Any changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: 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: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	PL03		21/12/2024
Existing Plans and Elevations	PL05		21/12/2024
Proposed Plans and Elevations	PL02	B	17/07/2024
Proposed Site Layout	PL01	A	09/04/2024
Proposed Site Sections	PL04	B	17/07/2024
Design and Access Statement			21/12/2024
Arboricultural Method Statement	SRH01-24 MS	1	21/03/2024
Arboricultural Survey and Impact Assessment	SRH01-24	1	21/03/2024
Bat Scoping Survey			09/05/2024
Phase 2 Environmental Report	C4149/24/E/6338		19/06/2024

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 has, 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 sought pre-application advice on this application. No arboricultural information was submitted with the initial application, this was sought and provided. Officers raised concerns regarding the amount of hardstanding to the front of the dwelling and the ability for vehicles to turn within the site. Officers requested the plots mirrored one another. Amended plans were sought and received. Following Environmental Health's consultation response, the applicant submitted a Phase 1 this was reviewed and following a further consultation response, a Phase 2 was submitted by the applicant and reviewed.

Report Dated: 18/09/2024

