

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:	2024/62/90206/E
Site Address:	Garden House, 13, Longlands Road, Dewsbury, WF13 4AB
Description:	Demolition of existing dwelling and erection of detached dwelling
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 16 August 2024

Officer Report

Reference no. 2024/62/90206/E

Site Address: Garden House, 13, Longlands Road, Dewsbury, WF13 4AB

Proposal: Demolition of existing dwelling and erection of detached dwelling

Site Description

The application site relates to 13 Longlands Road, a two storey detached property located in Dewsbury. The dwelling is faced in brick and incorporates a shallow dual-pitched roof with a bitumen felt finish. The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area. The surrounding dwellings are highly varied in age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant is seeking planning permission for the erection of a two storey detached property. The existing dwellinghouse will be demolished to allow for the proposed works. The dwelling would have a width of approx. 14.68m, a depth of approx. 14.15m and an overall height of approx. 8.7m. The proposed dwelling would be constructed in Nordic white brick and would incorporate a hipped roof finished in grey slate. Three off road parking spaces are proposed to the front of the development and an area of private outdoor amenity space would be provided to the rear of the application site. Furthermore, the applicant's agent has confirmed that the boundary treatments would remain as existing.

Relevant Planning History

Not Applicable.

Representations

The application was advertised by neighbour letters, which expired on 12th March 2024. As a result of the above publicity, no representations have been received.

Consultation Responses

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

KC Ecology – No objection subject to recommended condition

KC Environmental Health – No objection subject to recommended conditions

KC Trees - No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

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).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 26** - Renewable and Low Carbon Energy
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- a) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local

Planning Authority cannot demonstrate a five year supply of deliverable housing land.

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 officers assessment.

The proposal seeks to erect a two-storey detached property within Dewsbury and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often builtout relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning

considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. 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 LP24 all 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 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 133 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. Also 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.”*

Further to this, Principle 13 of the Housebuilders Design Guide 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. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be two storeys in height and would be of a contemporary design. The property would be constructed in Nordic white brick and would incorporate a hipped roof finished in grey slate. The dwelling would also include black powder-coated aluminium windows and the arrangement of fenestration and openings would be typical of this style of dwelling. The new dwelling would also be substantially set back from the highway which would limit views from public vantage points. Whilst not conventional, the proposed dwelling would be faced in bespoke Nordic white brick. It is noted that the neighbouring properties have been constructed from white painted brick/timber, render, red brick and stone and there is no uniform scale or character of existing development. Therefore, it is considered that the dwelling would not appear discordant due to the varied material palette and housetypes in the vicinity and would harmonise well into the surrounding townscape.

Whilst the dwelling does not adjoin to an existing building line on site, it is noted that there is not a strong building line along Longlands Road. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale and design. Therefore, the proposed dwellings would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support a dwelling, as proposed with a parking area to the front and private outdoor amenity space to the rear. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the dwelling is acceptable, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

It is therefore considered that, subject to conditions, the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state 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(f) 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.

Impact on 19 Wellfield Mews

19 Wellfield Mews is a residential property located east of the application site. The submitted plans confirms that the proposed dwelling would include a rear balcony although would occupy a position approximately 27m from the rear elevation of no.19. Given that the separation distance retained would be substantial, it is considered that there would be no undue harm to the neighbour’s residential amenity with regards to overbearing, overshadowing or overlooking impact.

Impact on 17 Longlands Road

17 Longlands Road is a detached bungalow located to the north and occupies a position on elevated ground relative to the application site. The submitted plans confirm that the proposed dwelling would occupy a position approximately 15m from the rear elevation of no.17. The plans confirm that the fenestration within the side elevation of the proposed dwelling would serve an ensuite, wc and a store all of which are non-habitable rooms, in addition to a door to the guest room and secondary window to bedroom 3. It is noted that the neighbouring property contains several windows and openings within its rear elevation which would face towards the proposed dwelling, however given the nature of the windows in question being secondary or non-habitable,

the separation distance between the application property and no.17 would be acceptable and there would be no significant detrimental impact on the neighbouring occupants with regard to residential amenity. There is an existing boundary hedge along part of the boundary which would also provide a small degree of screening.

Impact on 25 Longlands Road

25 Longlands Road is a two storey detached property located south of the application site. The plans confirm that a distance of approximately 6.6m would be retained between the side wall of the proposed dwelling and the common boundary shared with no.25. It is noted that the neighbouring property contains no fenestration within its side elevation. Although the proposed dwelling would extend beyond the front elevation of 25 Longlands Road, it is noted that the proposal would accord with the 45 degree rule in relation to the neighbour's front fenestration. Therefore, it is considered that the proposal would be acceptable in this regard.

To the front of the site, on the opposite side of Longlands Road is a single storey commercial property. As such, there would be no detriment to the occupants of this site as a result of the proposals.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135 (f) of the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal

floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24’.

National described space standards require the following gross internal floor area for a two storey dwelling:

- 5 Bedroom, 6-person dwelling set over 3 storeys – 110 square metres
- 5 Bedroom, 7-person dwelling set over 3 storeys – 119 square metres
- 5 Bedroom, 8-person dwelling set over 3 storeys – 128 square metres

The proposed floor plans show that the property would have five bedrooms and therefore is required to have an internal floor space of 110m². The dwelling is shown to have an internal floor space of 326.8m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, an area of private outdoor amenity space is proposed to the rear of the dwelling and off street parking would be provided to the front of the site. Therefore, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council’s Housebuilders Design Guide SPD, and Paragraph 135 (f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 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.

This application is for the demolition of an existing detached dwelling and the erection of a replacement 5-bedroom detached dwelling. As such, KC Highways Development Management have been formally consulted as part of the application, as the proposal would intensify the domestic use at the site.

The site is approximately 200m from stops on a high frequency bus route. There are convenience stores and a post office within 370m, and it is approximately 170m to a primary school. The site is within the vicinity of the local Dewsbury hospital and other medical facilities are also within a short distance.

The proposed dwelling would utilise the existing access onto Longlands Road, an unadopted residential road approximately 5.7m wide with a footway on the side of the application site with some street lighting present. The biggest highways related change would be the loss of an attached garage. However, the existing driveway measures approximately 26m x 6.5m which would be suitable for three parking spaces. The submitted site plan also shows space for turning within the site.

There is a bin storage location point indicated on the submitted site plan, however this may not be suitable as a bin collection presentation point. However, it is expected that waste/recycling collections will be made as currently carried out and there appears to be space within the access bell-mouth that would not obstruct the footway or access.

As the access to the site is off an unadopted road and close to a primary school, Officers would like to see a demolition/construction access management plan provided by the applicant. This is to indicate the type and size of vehicles and the times they are expected to visit the site (avoiding school start/end times), routes these vehicles would take through the local highway network, how safe access would be maintained along Longlands Road for all users, the location of parking for deliveries and contractors vehicles, locations of site facilities and materials storage, and details of any wheel washing facilities to avoid dragging mud and debris on to the highway. With this Officers consider that the application is acceptable on highways grounds subject to the recommended condition relating to a demolition/construction access management plan.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

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.

KC Environmental Health have confirmed that approval under the Building Regulations will be required for an electric vehicle charging point, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The site is within flood zone 1, with no known flood risks or watercourses. The applicant has stated in the application form that the surface water is to be discharged via the main sewer; however, no supporting justification has been provided to confirm that the hierarchy of drainage solutions has been considered.

Contaminated Land

The proposed development site is not shown to be on land identified as potentially contaminated by its previous use. However, the site is adjacent to historic mill sites, and the development involves groundworks. On this basis, KC Environmental Health have recommended a condition in relation to unexpected contamination.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Protected Trees

T2, T3, T4 and T5 are subject to Individual Tree Preservation Orders. A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. KC Trees have confirmed that they have no objection to the proposed demolition and construction of the new dwelling providing a condition is added to secure a detailed Arb Method Statement (AMS) and Tree Protection Plan (TPP).

Ecology

KC Ecology were formally consulted on the proposed scheme and did initially request a dusk emergence survey to be undertaken. The surveys have concluded a likely absence of a bat roost within the building. No bats were

observed emerging from the building during the emergence surveys, and no evidence of bats was found during the preliminary assessment survey. Consequently, no impacts on bats or their roosts are foreseen. Therefore, given the above, KC Ecology have no objection to this application subject to condition detailing how two of the bat boxes detailed in the submitted report are to be incorporated into the development.

There are no other matters relevant to the determination of this application.

6. Representations

No representations were received during the course of the application.

7. Negotiations

No amendments or additional plans have been sought or received during the course of the application.

8. 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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/90206

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The detached dwelling hereby approved shall be faced in Nordic white brick for the external walls and grey slate for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

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

Reason: This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. 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. 189 and 190 of the National Planning Policy Framework.

6. Development shall not commence until an Arboricultural Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details of including but not limited to the following:

- removal of existing structures and hard surfacing.
- installation of temporary ground protection.
- excavations and the requirement for specialized trenchless techniques within the RPAs of retained trees.
- installation of new hard surfacing – materials, design constraints and implications for levels within the RPAs of retained trees.
- specialist foundations – installation techniques and effect on finished floor levels and overall height.
- retaining structures to facilitate changes in ground levels.
- preparatory works for new landscaping/replacement planting.
- auditable/audited system of Arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

and how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: This detail is required prior to development commencing on site to protect to viability of the protected trees and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework

7. Development shall not commence until a scheme detailing measures to protect the trees during the demolition, engineering and construction phase(s), has been submitted to and approved in writing by the Local Planning Authority. Details must include the type and location of tree protective fencing and the method of installation. Development shall not commence until the works comprising the approved scheme have been fully installed/completed. The approved measures must be retained throughout the demolition, engineering and construction phase(s) of the development. No plant, equipment or materials shall be stored or placed within any fenced area at any time.

Reason: This detail is required prior to development commencing on site to protect to viability of the protected trees and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

8. Prior to the commencement of the development, a plan detailing the positioning, location and specification of the two bat roost boxes (Schwegler 1FE bat box, or similar) detailed within the Bat Emergence and Re-Entry Survey report shall be submitted to and approved in writing to the local authority. The boxes shall be installed and retained as detailed in the approved plans.

Reason: This pre-commencement condition is necessary to provide an enhancement to biodiversity in line with LP30 and the requirements of section 15 of the National Planning Policy Framework.

9. 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, the provision and the 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 in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included

within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: 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.

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: 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Site Location Plan and Existing Block Plan	EX-01	A	31/01/2024
Existing Site Plan	EX-02	-	31/01/2024
Existing Dwelling Plan (Footprint) & Roof Plan	EX-03	-	31/01/2024
Existing Elevations	EX-04	-	31/01/2024
Proposed Site/Roof Plan	PL-01	-	31/01/2024
Proposed Ground and First Floor Plan	PL-02	-	31/01/2024
Proposed Elevations	PL-03	-	31/01/2024
Climate Change Statement	-	-	31/01/2024
Design and Access Statement	23-909	-	31/01/2024
Arboricultural Report and Arboricultural Impact Assessment	21557/AJB	-	31/01/2024
Preliminary Ecological Appraisal and Roost Assessment	-	-	05/04/2024
Bat Emergence and Re-Entry Surveys (BERS)	-	-	06/06/2024

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 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter. The Applicant's Agent has agreed to the pre-commencement conditions.

Dated: 09/08/2024