

**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: 2019/62/90486/W

Site Address: 120, Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Description: Demolition of existing dwelling and erection of 7no. dwellings

Recommending Officer: Neil Bearcroft

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 11-Jun-2020

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Officer Report

Site Description - 120 Laund Road, Salendine Nook, Huddersfield, HD3 3TY

The site is an L shaped piece of land which formed part of the domestic curtilage and surrounding land to 120 Laund Road which is now in the process of being developed for a number of dwellings. 120 Laund Road was a large detached bungalow set back from the road in the north eastern corner of the site and currently remains on site but is due to be demolished to make way for the proposed development. Vehicular access to the dwelling was gained off a drive which leads from Laund Road to the bungalow and then sweeps round to south east providing vehicular access to nos. 144 and 144a. To the north and east of the site the land slopes steeply upwards to the area that forms the remainder of Lindley Moor. The area is characterised by a mixture of housing types and materials of construction with no. 120 a detached property constructed from artificial stone, nos. 110 to 114 terraced dwellings of stone construction, with other properties in the street constructed from a mix of stone, render and pebble dash render.

Description of Proposal

The application seeks full planning permission for the demolition of an existing dwelling and erection of 7 dwellings. The properties are numbered plots 2-8. The proposed units would be laid out across the site and would all be 2 storey in height with some utilising the roof space to provide another floor of accommodation. The site would be laid out with the following plots.

- Plot 2 – a detached 3 bed dwelling with integral garage to the rear of 122 Laund Road
- Plots 3 and 4 - a pair of 4 bed semi-detached dwellings adjacent to plot 2 to the north of the site.
- Plots 5 and 6 – a pair of 4 bed semi-detached dwellings located in the middle of the site.
- Plots 7 and 8 - a pair of 4 bed semi-detached dwellings located at the end of the access road in the south eastern corner of the site.

Parking for the development would be laid out in allocated parking spaces across the development for 18 vehicles including visitors spaces. The proposed dwellings would be constructed from natural stone and the roof covered in concrete roof tiles. An area of rough grassland would also be provided to the rear of plots 7 and 8 as an ecological enhancement of the site.

History of negotiations/amendments received

The agent was advised that contaminated land conditions would need to be attached to the decision and agreement was sought for these conditions as they represented pre commencement conditions. The agent requested additional time for the necessary contaminated land reports to be provided to

negate the need for the pre commencement conditions to allow the applicant to develop the site.

Various different reports were submitted which were not accepted by Environmental Health. This led to the removal of plot 1 (122a Laund Road) from this application, a reduction in proposed dwellings to 7 and a separate application for this dwelling (originally plot 1 on this application) being submitted under 2019/92903. Various different reports were then submitted and a final set of reports were submitted which were considered acceptable by Environmental Health to negate the need to attach pre commencement conditions.

Relevant Planning History

- 2018/90491 - Discharge of condition 3 (materials), 4 (drainage scheme), 5 (drainage scheme), 8 (highway works), 10 (estate roads), 11 (cycle storage), 12 (Phase 1 Report), 17 (method statement) and 19 (bat survey) on previous permission 2014/93584 for demolition of dwelling and erection of 10 dwellings – Details approved
- 2014/93584 - Demolition of dwelling and erection of 10 dwellings - approved
- 2011/91515 - Extension to time limit to previous permission 2008/91014 for outline application for erection of 11 dwellings and demolition of existing house and garage – Granted at Sub Committee
- 2008/91014 - demolition of existing house and garage and outline application for residential – Approved at Sub-Committee 12th June 2008.

Representations

Final publicity date Expires: 18/3/2019 – 5 comments received, a summary of the comments received is set out below:

- The proposal would represent a garden grab that would have a detrimental effect on the local community and would lead to the loss of flora and fauna.
- There are bats in the local area, and the submitted bat survey was not carried out at the right time of year and therefore there are concerns that the proposal would have an adverse impact on local wildlife.
- The proposed loss of the wild garden would be detrimental to local wildlife.
- The proposal would represent an overdevelopment of the Laund Road.
- The proposal would increase the number of residents in the area and would lead to highway safety problems along Laund Road which already experiences high levels of traffic.
- There are a number of properties along Laund Road up for sale and there is no demand for additional dwellings and there are concerns that these will end up empty.
- Details on the application form have been completed incorrectly such as detailing that no trees would be removed.

- Plots 7 and 8 would have a significantly adverse effect on the occupiers of adjacent properties and give rise to overlooking.
- The design of plots 7 and 8 would be out of keeping with development in the local area to the detriment of the character of the local area.
- The boundary drystone wall should be retained and any damage should be rebuilt by the developer.
- A media cable runs across the application site which may have to be moved for a drainage attenuation tank. Assurances should be secured to ensure that this media cable is not adversely impacted on by the development.
- There are concerns that the development has already commenced and that existing wildlife on site is being damaged.
- The proposed ecological mitigation measures are insufficient to outweigh the harm caused by the loss of wildlife on site.

The amended information received in respect of contaminated land reports was not re-publicised as this did not fundamentally change the development applied for.

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 Highways DM** – No objection subject to conditions
- **KC Environmental Health** – No objection subject to conditions
- **KC Ecology** – No objection subject to condition
- **KC Lead Local Flood Authority** – No objection
- **The Coal Authority** – No objection subject to condition

Policy

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

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1** - Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP11** - Housing Mix and Affordable Housing
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** - Drainage
- **LP30** – Biodiversity and geodiversity

- **LP51** - Protection and improvement of local air quality
- **LP53** - 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) published 19th February 2019, 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 5** – Deliver a sufficient supply of homes
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of Climate Change
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

Principle

The site represents unallocated land on the Local Plan and therefore policies LP1 and 2 apply which support sustainable development and seek to ensure that new developments protect and enhance the quality's which contribute to the character of an area.

It should be noted that the site has previously benefited from planning permission for residential development under applications, 2008/91014, 2011/91515 and 2014/93584, with the most recent consent currently under construction. However, planning conditions in relation to contaminated land requiring the submission of an intrusive site investigation report (Phase 2) and any necessary remediation and validation reports had not been satisfied. The previous permissions approved a greater number of dwellings. Originally 11, then 10 and now 8 across the whole site, 7 under this application.

The proposal would lead to the erection of 7 new residential dwellings and therefore it is considered appropriate to consider the Council's housing land supply position. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 20% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.32 years supply.

As the Kirklees Local Plan was adopted within the last five years, the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Policy LP11 of the Local Plan also supports the provision of new dwellings.

Paragraph 68 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”.

The site is located within a predominantly built-up area in Huddersfield and is within proximity to bus routes to Huddersfield or other local centres and within reasonable distance of facilities in nearby local centres. The proposal would make an efficient use of land it is therefore considered to be sustainable development, and planning permission has already been granted for housing on the site.

In light of the above the principle of developing the site is considered to be acceptable subject to assessment of design, residential amenity, highway safety, ecology, contaminated land and all other material planning considerations and representations received.

Design

The design of the development will be assessed against Policy LP24 of the Local Plan and Policies in Chapter 12 of the NPPF. These policies seek to promote good design by ensuring that the scale, layout and details of a development respect and enhance the character of the townscape, heritage and landscape, provide a high standard of amenity of future and neighbouring properties and assess other design considerations such as designing out crime the provision of open space.

The design of the proposed scheme is very similar to that previously approved under application 2014/93584. Plots 2-4 are the same as previously approved under application 2014/93584 and the design of these dwellings are considered acceptable. It is noted that the overall layout is broadly similar to that previously approved though the proposed scheme does include slightly less hard standing given that plots 5 and 6 now have rear gardens where previously this area was taken up with hard surfacing for off street parking.

The most notable change proposed is the removal of the apartment block in the middle of the site and its replacement with a pair of semi-detached dwellings (plots 5 and 6) and the change of the south eastern dwellings from a row of 3 dwellings to a pair of semi-detached dwellings (plots 7 and 8). Plots 5 and 6 and 7 and 8 would be the same house type with the same design and scale. These plots would be two storey dwellings constructed on slightly different levels with accommodation across 3 floors. The dwellings would have gable ends and a maximum overall height of 9.7 metres, being 1.7

metres taller than the previously approved apartment block for plots 5 and 6 and 0.9 metres taller for plots 7 and 8. The proposed dwellings would however have a similar eaves height at 5.5 metres.

Whilst the height of these dwellings would be taller than the previously approved apartment block, and row of dwellings and taller than the adjacent dwellings, nos 110 to 114a, the similar eaves height would help the buildings retain a two storey appearance. These dwellings would also be located to the rear of the site and set back from the adjacent dwellings by approximately 11 metres, with the land to the north east rising up steeply. These arrangements are considered to ensure that the proposed dwellings would not be directly read in conjunction with the adjacent dwellings or have a significantly detrimental impact on the character and appearance of the street scene or the wider local area. Finally it is also noted that an adjacent development to the north of the application site for 21 properties, approved dwellings with a similar overall height at 9.5 metres under application 2016/94248. Therefore dwellings of such a scale are not uncommon in the local area and are considered to be acceptable.

The application site is located within a well established residential area, where there is a mixture of property types and designs. The new dwellings would utilise the existing access which serves no.120, and would make an efficient use of a piece of unallocated land which provides limited value amenity to the occupiers of no.120, or local residents.

The use of natural stone and concrete roof tiles have been approved for the 2014 permission and the use of such materials is proposed for this application which is considered to be acceptable. No specific details in relation to boundary treatment have been provided and to ensure that appropriate treatments are installed for the development a condition will be attached to the decision notice requiring the submission of details before any of the properties are first occupied.

In light of the above the overall design and scale of development is considered to be acceptable and would accord with Policies in LP24 of the Local Plan and Policies in Chapter 12 of the NPPF.

Highway Safety

The proposals impact on highway safety has been assessed by the Councils Highway DM Officer and in relation to Policies LP21 and 22 of the Local Plan. The Highway Officer has advised that given that the scheme is similar to that previously approved but is a lesser scheme there is no objection on highway grounds.

A layout plan has been submitted (ref 1801/02 Rev A) date 11/19 detailing the proposed access and internal road layout. The highway officer has stated that it is assumed that the proposed internal arrangement will not be offered for adoption or be made available for adoption in the future, as such there are no

further comments to add as the proposal is of similar nature to the previously submitted scheme. It is noted that discharge of conditions application 2018/90491 which previously considered the matter of the potential adoption of the road also advised that the road would not be adopted by the Council. In the report to this application for the discharge of condition 10 it stated:

On 09/04/2018 Highways Development Management (HDM) officers noted that the applicant had not yet contacted the council's Section 38 team, and that the Section 38 team would not agree to the discharge of conditions until they have issued technical approval for adoption of the development's new estate road.

Direct communication between the applicant and the council's Section 38 team continued in October 2018, and a site meeting was held. On 25/10/2018, however, the applicant advised that they had decided not to have the development's new estate road adopted, as "the implications of adopting the road are far too onerous for such a small development". The applicant advised that the road would be built as per the drawings and details previously submitted, to an adoptable standard.

In comments dated 30/11/2018, HDM officers noted that the development's new estate road was not to be adopted by the council (and that it would not be considered for adoption in the future), and advised that condition 10 can be discharged.

It must be noted that, although the council is able to approve details pursuant to a condition that requires details of "the proposed internal adoptable estate roads", any such approval should not be taken as an acceptance that the development's new estate road is adoptable.

Given that this arrangement is the same as the most recent planning permission, it is considered to be acceptable for the purposes of this application and no further details are necessary.

Conditions to ensure that the road is appropriately surfaced, acceptable sightlines are achieved and bin storage are provided, will be conditioned to ensure that the access is functions appropriate in the interests of highway safety.

Subject to the above conditions the proposal is considered to have an acceptable impact on Highways Safety.

Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."

The layout of the development is broadly the same as that approved under 2014/93584 with the same separation distances achieved between dwellings proposed on the site, and surrounding dwellings. Whilst it is noted that the overall height of plots 5-8 are increasing, it is not considered that the increase in overall height would have a materially greater detrimental impact on the amenity of adjacent properties than the existing planning permission. Plots 5 and 6 are set away from the adjacent no.s 110 to 114a by 12 metres and the proposed dwellings are to the north, these arrangements are considered to be sufficient to mitigate any potential over bearing or over shadowing harm. Windows in the southern side elevation would serve non habitable rooms and therefore there is no concern with respect to overlooking.

With regard to plots 7 and 8, these would be 11.7 metres from the site boundary with the closest property being the bungalow at no.27 Walsham Drive which is set away from the shared boundary by 6.5 metres and shares an oblique relationship and is set at a higher level. The distance between these plots and no.27 is the same as previously approved and whilst the dwellings are slightly taller it is not considered to cause a detrimental overbearing, overshadowing or overlooking harm. The windows in the western elevation of plot 7 should be obscurely glazed to prevent close overlooking of the land to the west.

To ensure the protection of the amenity of surrounding properties and to prevent an undesirable overdevelopment of the site, permitted development rights will be withdrawn for the erection of extensions and outbuildings.

In light of the above arrangements the proposal is considered to have an acceptable impact on residential amenity.

Contaminated Land and Coal Mining Legacy

The application site is located in an area with a high risk coal mining area and the application has been assessed by the Coal Authority and Environmental Services. The applicant initially only submitted a Phase 1 report but subsequently submitted a Phase 2 and a remediation report.

The reports have been reviewed in detail by Environmental Services (ES) and extensive amendments and further information were requested until an acceptable set of documents were provided. The Coal Authority only commented on the initially submitted Phase 1 report advising that a Phase 2, remediation and validation reports would be required. Whilst the Coal Authority would usually comment on the full set of reports, due to the current Covid-19 situation the Coal Authority issued guidance on the 5 May advising that they are not commenting on such information. With the Coal Authority advising that LPAs assess the information themselves in cooperation with ES colleagues.

ES Officers have provided extensive comments to the submitted information over a prolonged period. The Phase 2 report was accepted on 8 April 2020 where the ES Officer stated that:

I consider that the proposal to provide gas protection measures suitable for Characteristic Situation 2 (CS2) is satisfactory. The previous proposals to provide a clean capping layer, to address the contamination in the soils on site, is still considered to be satisfactory. Because remediation works are required to address the risks from ground gas and contaminated soils, contaminated land conditions are still necessary to ensure that the detailed remediation proposals are satisfactory together with validation of the remediation works to clearly demonstrate that the remediation has been completed to a satisfactory standard.

Instead of conditioning the remediation strategy the agent requested time to submit this information which after further amendment at the request of the ES office was accepted on 5 June 2020. However ES Officer queried some assumptions in relation to the reporting of unexpected contamination and the validation of gas membranes where a document from Liverpool City Council is referred too. These matters are not considered to be acceptable but would be appropriately address through a condition to implement the remediation report and a validation report which will be secured by condition. A note will also be added to the decision notice highlight the concerns with these referred to assumptions.

Subject to the conditions referred to above the proposal is considered to adequately addressed matters in relation to contaminated land.

Other Matters

Drainage – The applicant has been submitted with a drainage statement and plan which has been assessed by the Council's Lead Local Flood Officer who raises no objection to the proposed development. It is noted that specific drainage arrangements at the site were previously conditioned in the 2014 permission and information provided in discharge of conditions application 2018/90491 was approved. The proposal seeks to discharge surface water to the main sewer via an attenuation tank to restrict run off after discounting soakaways due to ground conditions and due to the site not being in proximity to a water course. The size of the attention tank has previously been assessed to be acceptable and the surface water drainage arrangements are therefore considered to be acceptable. A condition securing the provision of the attenuation tanks will be attached to the decision notice. The proposal would therefore accord with Policy LP28 of the Local Plan and the requirements of the NPPF.

Ecology - The impact of the development on local ecology has been assessed by the Councils Ecologist and in relation to Policy LP30 of the Local Plan Policies in the NPPF. The applicant has submitted an ecological method statement for clearance works at the site, a bat activity survey report and

ecological enhancement plan and the site layout plan secures the provision of a rough grass area to the rear of plots 7 and 8 to provide a biodiversity enhancement at the site. A bio diversity Enhancement Method Statement for the rough area of grassland has also been provided and the details of this shall be secured by condition.

The Ecologist has stated that the proposal is unlikely to result in significant ecological harm and given the previous planning permissions on the site, the mitigation measures set out in the submitted method statement and bat survey are considered to be sufficient. Conditions securing the implementation of these measures will be attached to the decision notice.

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 pre-dates 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.

In this instance the proposed, no specific detail in relation to climate change has been provided by the agent. However the new dwellings would be built to modern building standards which are more thermally efficient than older properties, electric vehicle charging points would be secured for each property by condition and the site is located within a sustainable location where there access to sustainable travel options. Such arrangements are considered to be acceptable for the purposes of this application.

Open Space – Policy LP63 of the Local Plan encourages the provision of open space on new housing sites and it is noted that the development does not provide any public open space. However this has never been proposed on the previously approved applications and it is noted that the all properties benefit from private gardens and the provision of 7 dwellings is relatively small scale. It is therefore not considered necessary to provide public open space.

Representations

5 comments were received, a summary of the comments received is set out below, along with a response to the points raised:

- The proposal would represent a garden grab that would have a detrimental effect on the local community and would lead to the loss of flora and fauna.

Response: The principle of developing the site has been previously approved and any loss of flora and fauna is considered to be outweighed by the provision of housing and the ecological enhancements provided at the site.

- There are bats in the local area, and the submitted bat survey was not carried out at the right time of year and therefore there are concerns that the proposal would have an adverse impact on local wildlife.
- The proposed loss of the wild garden would be detrimental to local wildlife.

Response: The proposal has been assessed by the Councils Ecologist who raises no objection to the scheme subject to the recommendations set out in the bat survey.

- The proposal would represent an overdevelopment of the Laund Road.

Response: As set out above the proposal is not considered to represent an overdevelopment of the site. It is also noted that the development of the site has been previously approved for more dwellings.

- The proposal would increase the number of residents in the area and would lead to highway safety problems along Laund Road which already experiences high levels of traffic.

Response: The application has been assessed by the Highways Officer who has no objection to the scheme. It is also noted that a previously approved scheme was for a greater number of dwellings and the current scheme is for

- There are a number of properties along Laund Road up for sale and there is no demand for additional dwellings and there are concerns that these will end up empty.

Response: There is a national demand of housing within the country and this development would aid in meeting that demand.

- Details on the application form have been completed incorrectly such as detailing that no trees would be removed.

Response: Sufficient information has been provided in the application to allow an appropriate assessment by Planning Officers and a site visit was also undertaken. Whilst it is noted that some vegetation will be removed to allow for the development it is not considered that this would be detrimental.

- Plots 7 and 8 would have a significantly adverse effect on the occupiers of adjacent properties and give rise to overlooking.

Response: As set out above plots 7 and 8 are considered to have an acceptable impact on local amenity.

- The design of plots 7 and 8 would be out of keeping with development in the local area to the detriment of the character of the local area.

Response: As set out above the design of plots 7 and 8 are considered to be acceptable.

- The boundary drystone wall should be retained and any damage should be rebuilt by the developer.

Response: Details regarding boundary treatment at the site will be secured by condition to ensure that appropriate boundary treatments are used.

- A media cable runs across the application site which may have to be moved for a drainage attenuation tank. Assurances should be secured to ensure that this media cable is not adversely impacted on by the development.

Response: The moving of a media cable would be a private legal matter between the media provider and developer.

- There are concerns that the development has already commenced and that existing wildlife on site is being damaged.

Response: It is noted that works had commenced on site but these have now ceased. The removal of vegetation does not require planning permission given that there are no protected trees on site.

- The proposed ecological mitigation measures are insufficient to outweigh the harm caused by the loss of wildlife on site.

Response: As set out above it is considered that the ecological enhancements included within the scheme outweigh the harm to local wildlife.

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation – Full Conditional Permission

Decision Authorisation - Delegated Powers

Application Number: 2019/90486

Officer Recommendation: Full Conditional Permission

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, 2, 21, 22 and 24 of the Kirklees Local Plan.

3. The hereby approved development shall be constructed from coursed natural stone and the roof covered in flat profile concrete roof tiles

Reason: In the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. Before any of the hereby approved dwellings are first occupied, sightlines of 2.4metres x 43 metres to serve the entrance of the development onto Laund Road shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

5. Prior to the first occupation of the dwellings all areas indicated to be used for access and parking on the approved plans shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for the uses specified on the submitted plans and retained thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 and 22 of the Kirklees Local Plan.

6. Before the any of the hereby approved dwellings are first occupied, details of storage and access for collection of wastes from the new dwellings 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 interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and 24 of the Kirklees Local Plan.

7. Prior to the occupation of the hereby approved dwellings, a scheme detailing the boundary treatment for the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained.

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

8. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy by Earth Environmental and Geotechnical Report Reference: A0697/19/RMS/V2 Dated April 2020. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report) is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Policies in the National Planning Policy Framework and to ensure that any contamination matters at the site are appropriately investigated, and mitigated against before development is commenced.

9. Following completion of any measures identified in the approved Remediation Strategy by Earth Environmental Report and Geotechnical Reference: A0697/19/RMS/V2 Dated April 2020 or any approved revised Remediation Strategy a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Policies in the National Planning Policy Framework and to ensure that

any contamination matters at the site are appropriately investigated, and mitigated against before development is commenced.

10. No part of the development shall be brought into use until the flow restriction and attenuation works set out on the hereby approved plan entitled “Drainage Plan & Details” Revision P3 have been completed. Such flow restriction and attenuation works shall be retained and maintained in accordance with the manufacturer’s guidelines thereafter.

Reason: To ensure the provision of adequate means of drainage in the interests of amenity, to accord with Policy LP28 of the Kirklees Local Plan and in accordance with the requirements of Policies in the National Planning Policy Framework.

11. The hereby approved development shall be carried out in accordance with the “*Recommendations/enhancements/further survey work*” of the hereby approved

Bat Activity Survey Report & Ecological Enhancement Plan dated 29th August 2018, Document reference MBE/BAT/2018/90/1. The mitigation measures shall thereafter be retained.

Response: To mitigate the impacts of the development on a protected species in accordance with Policy LP30 of the Kirklees Local Plan and to accord with Chapter 15 of the National Planning Policy Framework.

12. The area of ‘rough grass’ to the rear of plots 7 and 8 and as set out on the hereby approved site layout plan Dwg. No. 02 Rev A shall be provided in accordance with the Site Clearance and Enhancement Method Statement by Middleton Bell Ecology Dated 14.02.18. The area shall be provided before plots 7 or 8 are first occupied and retained thereafter.

Response: To mitigate the impacts of the development on a protected species in accordance with Policy LP30 of the Kirklees Local Plan and to accord with Chapter 15 of the National Planning Policy Framework.

13. 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 with or without modification) no development included within Classes A, B, or 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: To protect the amenities of adjacent properties from loss of privacy or overbearing development, to prevent the overdevelopment at the site and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

14. Before occupation of each of the hereby approved dwellings, one electric vehicle recharging point shall be provided within each of the dedicated parking spaces that serves each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Kirklees Local Plan.

15. The dwelling on plot 7 shall not be occupied until the windows in the western (side) elevation have been obscure glazed. 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) the obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE – Contaminated Land

It should be noted that the actions required in the event of unexpected contamination being encountered must adhere to the requirements of the wording set out in condition 8, which exceed the actions detailed in the report. Also, Part 8 of the submitted remediation strategy report advised that the gas membrane installation “will be verified in accordance with a Liverpool City Council gas protection validation record template” which conflicts with the proposal for the validation proposals to be in accordance with CIRIA 735, as stated at part 5 of the report. The LPA are not familiar with the Liverpool City Council template and this has not been made available by the applicant therefore the validation will need to be in accordance with CIRIA C735.

NOTE – Works in the Highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE - Electric Vehicle Charging Points

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Pan	-	-	10/1/2020
Proposed Site Layout Plan	02 Rev A	-	21/11/2019
Plot 2 Elevations	11	-	15/2/2019
Plot 2 Floor Plans	10		
Plot 3-4 Elevations	16	-	15/2/2019
Plot 3-4 Ground Floor Plan	13 Rev A	-	15/2/2019
Plot 3-4 First Floor Plan	14 Rev A	-	15/2/2019
Plot 5-6 Elevations	07	-	15/2/2019
Plot 5-6 Floor Plans	06	-	15/2/2019
Plot 7-8 Elevations	09	-	15/2/2019
Plot 7-8 Floor Plans	08	-	15/2/2019
Drainage Plan and Details	P3	-	15/2/2019
Highway Plan - Section 38 Design and Long Section	101	-	15/2/2019
Highway Plan - Cross Sections	102	-	15/2/2019
Design and Access Statement	February 2019	-	15/2/2019
Materials Statement	-	-	15/2/2019
Detailed Drainage Design	calc-tjba-cdevs-120 laund rd-detailed drainage design-081217.docx	-	15/2/2019
Site Clearance and Enhancement Method Statement	14 th February 2018	-	15/2/2019
Bat Activity Survey Report & Ecological Enhancement Plan	29 th August 2018	-	14/1/2020
Stage 1 / 2 Road Safety Audit	1387 May 2018	-	15/2/2019
Designers Response to Stage 1 / 2 Road Safety Audit	1387 May 2018	-	15/2/2019
Phase 1 GeoEnvironmetnal	November 2017	-	15/2/2019

Plan Type	Reference	Version	Date Received
Desk Study			
Phase 2 GeoEnvironmetnal Investigation & Coal Mining Risk Assessment	Ref: A0697/19/B.0 October 2019	-	9/2/2020
Phase 2 Ground Gas Risk Assessment	Ref: A0697/20/B.0 February 2020	-	9/2/2020
Plot 2 to Plot 8 Remediation Strategy	Ref: A0697/19/RMS/V2 April 2020	-	29/4/2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the agent to secure all necessary contaminated land information to allow development to commencement without the need for any pre commencement conditions

Report Dated: 10/6/2020