

**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: 2019/62/90725/E

Site Address: Land at, Busker Lane, Scissett, Huddersfield, HD8 9JU

Description: Demolition of existing dwellings and erection of 6 apartments

Recommending Officer: Rebecca Drake

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.

Julia Steadman

AUTHORISED OFFICER

Date: 07-Aug-2019

Officer Report

Site Description

The application site comprises a parcel of land located on the southern side of Busker Lane, Scissett. The site lies wholly within the Green Belt. Previously, the wider site was occupied by Scissett Mount care home. This has been demolished and planning permission has been granted for an 85 bed care home on the site. This proposal saw the retention of the existing pair of semi-detached properties which are the subject of this application. At the time of the site visit, the care home appeared substantially complete.

The semi-detached dwellings are two storeys in height and occupy the north-western corner of the application site. They are visible from Busker Lane. Design features comprise brick walls, a dual pitched roof and a projecting front porch.

The dwellings are currently vacant. The dwellings share the same access as the care home, which is taken directly from Busker Lane.

The site lies on the edge of relatively open countryside, less than 0.5km to the west of Scissett. It is bounded by Busker Lane to the north, with Lower Busker Farm beyond; the Joesph Norton Academy to the west and south; and woodland to the east beyond the new care home facility.

Description of Proposal

The proposed development involves the demolition of the existing pair of semi-detached dwellings and the erection of a block of 6 apartments in their place. Within the supporting information submitted alongside this application, the units are described as being sheltered apartments.

The apartments would be arranged over 2 floors. The building would be set down within the landscape which would result in the building appearing as having a lower ridge level than the existing properties when viewed within the streetscene. The structure would have a total volume of 1,168 cubic metres.

The main entrance will be on the southern elevation facing away from Busker Lane. An entrance lobby and staircase/lift would be positioned here. 3 apartments would be laid out over 2no floors and there would be openings in all elevations of the building. Design features compromise a dual pitched roof with projecting front and rear gables. Openings vary in scale; some large openings are proposed together with Juliet balconies; several sets of French doors are proposed as well as smaller scale openings.

Facing materials would be a mixture of stone and render with the roof being finished in tiles. Parking to serve the proposed apartments has been demonstrated within the parking area to the east of the building. This area forms part of the existing car park for the care home.

History of negotiations/amendments received

Discussions have focused on the scale of the proposed development given its Green Belt location. The scale has been reduced; a floor has been removed and the description has been amended which reduces the number of apartments from 9 to 6.

The approved Phase II investigations for the wider site have been submitted in support of this application.

Relevant Planning History

2017/90077 – Erection of an 85no bed care home with associated car parking and landscaping – approved subject to S106 and conditions

There have since been a number of associated applications, including discharge of conditions, non-material amendments and the erection of a sub-station.

Representations

The application has been publicised by site notice, neighbour letter and press notice.

As a result of the publicity period, 8no representations have been received.

A summary of the comments received is set out below:

- Existing nursing home is out of character and dominates the area
- Application will make this worse and will result in overdevelopment
- Noise and traffic issues during construction phase of nursing home
- Concerns about highway safety including parking and site access arrangements
- Concerns about the sub-station
- Impact on listed buildings
- Adverse visual impact and the increasing urbanisation of this part of Busker Lane
- Suggestion of reducing to two storeys
- Impact on trees
- Landscaping scheme should be sought
- Drainage concern in relation to surface water
- Impact on ecology

Denby Dale PC: No objections subject to highways regulations and consideration of parking issues on Busker Lane.

An elected ward member has expressed their support for the scheme.

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 Conservation and Design: no objection
- KC Highways DM: no objection subject to conditions
- KC Trees: no objection subject to condition
- LLFA: further information in relation to surface water required
- PALO: no objection in principle
- KC Ecology: no objection
- KC Planning policy: no objection to amended scheme
- KC Environmental Health: no objection subject to conditions

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 designated as Green Belt within the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of New Development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP57 – Development within the Green Belt

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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Requiring well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Principle of Development

Paragraph 145 of NPPF states that the construction of new buildings in the Green Belt is inappropriate, unless, among others, the new building is a replacement building in the same use as and not materially larger than the one it is replacing. Another exception refers to redevelopment of previously-developed sites, which can be, in principle, supported provided that the proposal does not result in a greater impact on openness than the existing development. Policies LP57 and LP59 of the Kirklees Local Plan is consistent with this approach and clarifies that impact on openness will be judged to include the treatment of outdoor areas, including hard-standings, curtilages and enclosures and means of access and that design and materials should not materially detract from the Green Belt setting. Additional guidance on assessing openness is contained within the NPPG.

The proposal is to replace two semi-detached houses with a new build block of 6 flats, to be operated alongside the adjacent care home and to be occupied by people who may wish to make use of care facilities provided.

In order to create 6 new apartments, the footprint of the existing building would be extended and it is therefore considered that the new building has a materially larger footprint than the existing building. In an attempt to overcome Green Belt concerns raised during the course of the application, an amended scheme has been submitted which sees the new building being designed such that it sits lower in the street scene than the existing building. Whilst this improvement is acknowledged, it does not change the fact that the proposed building would still has a greater width on the street frontage, as well as a greater depth. As such, the building is considered as materially larger than the

one that is replaces; as such, it constitutes inappropriate development in the Green Belt.

As set out in para 143 of the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Consideration has been given to any very special circumstances that may exist in the determination of this application. As part of the supporting information, the applicant has shown that there is a need for this type of accommodation in the district and that the occupants can avail themselves of the facilities in the care home; both personal care and amenities. The supporting information states 'these units will be operated by the care home offering residents a more independent lifestyle whilst providing support where necessary'. However, a dependence on the support of the care home does not appear to be a requirement of future occupants; it does not appear that there are any eligibility criteria governing occupation nor is there a legal agreement in place to secure this.

Turning to the site layout, consideration has been given to the compatibility of the existing and proposed buildings in relation to the care home. The building is located within the grounds of the existing care home and shares an access and parking arrangements with it. Given this context of the site, it is considered that this could negate a typical C3 use of the building or at least make this much less desirable option when considering the best use of this building. Further to this, it is not disputed that the potential occupiers of the flats could benefit from the proximity of the care home should they wish to do so. Indeed, it is considered unlikely, given the very close proximity to the care home and the shared car parking and access arrangements, that the flats would be attractive to 'market' occupiers not wanting to take advantage of the care home facilities. As such, it is considered that the proposed development would result in a better use of the site and one what is more compatible with the adjacent care home than two semi-detached family dwellings.

When considering design, the presence of the care home, which itself is an urban land use, has already created an urban characteristic on this part of Busker Lane. The proposed new building would reinforce this urban characteristic, but so does the existing pair of semi-detached houses. The amended scheme sees the upper floor removed and the new building having a reduced ridge level when viewed from Busker Lane. Under the proposed development, when viewed within the streetscene, the new building and the care home would be read as parts of the same complex. A similar set back from the northern boundary of the site is retained which is approximately 12m.

It is considered that, its close relationship to the care home, both in location and appearance, would therefore result in little, if any, harm to the purpose of

including land in the Green Belt, which is to protect the countryside from encroachment. While there is harm by reason of inappropriateness, there is little other harm resulting from the proposal in terms of impact on Green Belt land. None of the reasons put forward above in favour of this development, when considered individually, constitute the very special circumstances that would justify allowing the proposed development contrary to green belt policy. However, the combination of the proven need for this type of accommodation, consideration of the degree of harm to openness relative to the existing structure and the lack of other harm (by virtue of the existing character of the site, its design, proximity and very close relationship with the care home – which could in effect negate general residential use) when considered as a whole, are deemed to constitute very special circumstances in this instance. As such, the application can be considered acceptable in relation to its impact on Green Belt and it is considered to comply with the aims of both Policy LP57 of the KLP and the aims of Chapter 13 of the NPPF, as very special circumstances have been found to exist in this instance.

Visual amenity and heritage

Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development of the surrounding area. Chapter 12 of the NPPF sets out that design that poor design that fails to take the opportunities available for improving the character and quality of an area should not be supported.

As set out above, the design of the proposed building is considered appropriate for the application site. It would harmonise with the design of the adjacent care home in terms of both design features and the proposed palette of materials. When completed, the proposed building would appear as a congruous feature within the streetscene, read a part of the care home site which appears complementary in its design and style. As set out above, the proposed building would retain a significant set back from the northern site boundary that abuts Busker Lane in excess of 12m. The ridge height is lower than that of the existing building when viewed within the streetstene and the additional width and depth is not considered to result in visual harm.

From a visual amenity perspective, it is considered that the impact from the areas of hardstanding for parking would not be dissimilar to the arrangement already consented on the development site. A landscaping has been submitted, which details the landscaping proposals for the full site. In relation to this section of the site, it is shown that the existing trees T26 and T27 would be retained along with several trees along the boundary. A number of new trees would be planted which will assist in softening the visual impact of the built form. This is considered acceptable.

Lower Busker Farm sits on the opposite side of Busker Lane and is a grade II listed building. It sits within a complex of other buildings. It is considered that setting of the listed building is relatively limited to the land immediately surrounding the building. In this instance, given the position and scale of the proposed building and the set back that is retained from Busker Lane, it is not

considered that the proposed development would adversely affect the setting of Lower Busker Farm. Accordingly, KC Conservation and Design raise no objection. As such, the application complies with the aims of Policy LP 35 of the KLP and the aims of Chapter 16 of the NPPF.

In summary, in subject to the inclusion of the relevant conditions, the application is considered acceptable in relation to visual amenity and to comply with the aims of Policies LP24 and LP35 of the KLP and the aims of Chapters 12 and 16 of the NPPF.

Residential Amenity

Lower Busker Farm sites on the opposite side of Busker Lane, together with a number of other properties along Busker Lane towards the junction with Wakefield Road.

Given that similar relationships exist between the existing and proposed buildings, it is considered that there would be no significant additional impact on the amenity of the neighbouring properties, as a result of the proposed scheme (as amended).

Also, the replacement of the existing pair of semi-detached properties with 6no apartments is not considered to result in a significant increase in noise and disturbance from the use of the building or the associated trip generation.

In relation to the occupants of the care home, it is not considered that any harmful impact on the living conditions would arise. Whilst the structure is greater in overall volume, it is not considered to result in any significant overbearing, overshadowing or overlooking to this care facility.

To the west of the site lies a building that is associated with the school, together with some of the school's land. It is noted that there are openings at first floor level in the side elevation, which would potentially result in overlooking to the neighbouring site. These would also serve habitable room windows and is not an existing relationship that exists. In order to ensure this conflict is avoided, it will be conditioned that these openings are obscurely glazed. As there are other openings serving these rooms, in the front and rear elevations, it is considered that the imposition of this condition would not result the creation of unacceptable living conditions for the occupants.

In summary, the proposed development is considered to have an acceptable impact on the amenity of the neighbouring sites and can be conditions to comply with the aims of Policy LP24 of the KLP from this respect.

Highways

KC highways DM have been consulted on the application and note the previous planning history for the care home. This application included the retention of existing houses that are subject to this application and the

provision of 3 dedicated off-street parking spaces within the car park to the proposed care home.

Under this proposal, each apartment is allocated one designated parking space directly adjacent to the proposed apartments within a re-designed car park.

27 parking spaces were originally proposed for the care home together with a further 3 spaces for the existing houses.

The original proposal showed 25 off-street parking spaces for the Care Home and 9 spaces for the proposed apartments. This has now been updated to reflect the amendments to the scheme. 6 spaces are shown with the other 3 now being unallocated.

The highways consultation response dated 7th February 2017 for the care home application considered that the relevant parking standards were as follows:

Residents/visitors - 1 space per 6 beds = 14 spaces

Staff - 1 space per 3 staff = 8 spaces

This gives a total requirement for 22 spaces and the proposed 27 spaces were therefore considered acceptable.

The proposed 25 spaces shown to be retained for the Care Home with this application are also therefore considered acceptable. Given the proposed apartments are all just one bedroomed the parking standards of 1 space per apartment is also considered acceptable. The access arrangements from Busker Lane are unchanged by these proposals and sufficient space is retained to allow internal turning for service vehicles.

Now that the proposed development has been reduced to 6no apartments, this also reduces the number spaces required to serve this development.

In summary, KC Highways Development Management no objection to these proposals subject to conditions. These relate to the surfacing of areas and the submission of a construction management plan in order to ensure that the development has an acceptable impact on highway safety during the construction phase. The application is considered to comply with the aims of Policies LP21 and LP22 of the Kirklees Local Plan in relation to parking and highways safety.

Trees

The supporting information in relation to trees has been reviewed by KC Trees Officers.

They comment that they raise no objection to the development, however, they state that the submitted AMS needs to form part of a condition in order to

ensure that trees are protected during the course of the development for this part of the site.

This condition will be applied in accordance with the aims of LP 33 of the KLP and the aims of the NPPF.

Flood Risk

The KC LLFA has been consulted on the application however they raise concern of the lack of information that has been submitted in support the application in relation to drainage for this section of the site. They state that there is no data provided over the suitability/feasibility of the proposed drainage, or whether this could have adverse impacts elsewhere.

To overcome this objection, a Drainage Strategy Report must be provided. It must address the following:

- Consideration of flood risk;
- Method of disposing of surface water, using the hierarchy of surface water discharge
- Discharge rate to the proposed outfall, if infiltration not used;
- Attenuation required to meet this discharge rate; and
- Drainage simulations for the following return periods:
 - o Qbar 30 year;
 - o 100 year;
 - o 100 year + climate change
- Comparison of existing and proposed impermeable area. If the applicant wishes to utilise the drainage system within the neighbouring development, the LLFA require appropriate calculations showing that this system has sufficient capacity to receive the additional flows.

Kirklees LLFA highlight that this application comprises brownfield development therefore a minimum 30% reduction in surface water discharge is required, unless a justification is made for a higher rate. Evidence is required to justify why the proposed discharge is the lowest possible.

This information will be required by condition; this information should be provided to the council and approved prior to the commencement of development on the superstructure of the proposed building. This will ensure that the site is appropriately drainage in relation to surface water in accordance with Policy LP28 of the KLP and the aims of Chapter 14 of the NPPF.

Ecology

KC Ecology has been consulted on the planning application. Having reviewed the proposals, including the proposed landscaping, no objection is raised. The Council's Ecologist is comments that the buildings to be demolished do not appear likely to support roosting bats, therefore significant ecological harm is unlikely.

As such, the application is considered to comply with the aims of Policy LP30 of the KLP and the aims of Chapter 15 of the NPPF.

Contaminated Land

KC Environmental Health have reviewed the Phase 1 Contaminated Land report by Earth Environmental and Geotechnical Ltd, dated 14/12/2016, report reference A1819/16. They accept the findings of the report and recommend the suite of conditions in relation to the submission of a Phase II Intrusive Report and the submission of a remediation and validation strategy where necessary. However, this information has already been submitted in support of the wider site. Following discussions with KC Environmental Health, this information has been resubmitted and the only contaminated land condition required relates to the reporting of unexpected contamination.

These conditions will be applied in order to ensure that the application complies with the aims of Policy LP 53 of the KLP and the aims of Chapter 15 of the NPPF.

Air Quality

This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is less than that of prescribed values set out in this document, which is why it is regarded as a minor development.

Therefore, a condition will be imposed requiring the applicant to install 1 charging point for unit with dedicated parking. This is in order to comply with the aims of Policies LP24 and LP51 of the KLP as well as the aims of Chapter 9 of the NPPF and the aims of the West Yorkshire Low Emissions Strategy.

Lighting

KC Environmental Health recommend a condition in relation to external lighting. This requires a scheme to be submitted should any external lighting be installed. The scheme should detail measures to be taken to control any glare or stray light arising from the operation of artificial lighting. This is to ensure an acceptable impact on residential amenity in accordance with the aims of Policy LP 52 of the KLP and the aims of the NPPF.

Dust

KC Environmental Health also recommend a condition be imposed in relation to the submission of a scheme for the suppression of dust. This will be applied in accordance with the aims of Policy LP52 of the KLP and the aims of the NPPF.

Representations

A summary of the comments received is set out below together with a response.

- Existing nursing home is out of character and dominates the area
Response: this application has been approved and is not subject to this application
- Application will make this worse and will result in overdevelopment
Response: the impact on visual amenity and character of the area is covered in the report
- Noise and traffic issues during construction phase of nursing home
Response: a condition is recommended in relation to a construction management plan
- Concerns about highway safety including parking and site access arrangements
Response: this has been covered in the report and KC Highways DM consider the proposals acceptable
- Concerns about the sub-station
Response: this is not subject to this application
- Impact on listed buildings
Response: this is covered in the report
- Adverse visual impact and the increasing urbanisation of this part of Busker Lane
Response: the impact on the green belt and on visual amenity is considered in the report
- Suggestion of reducing to two storeys
Response: amendments have been sought to this affect
- Impact on trees
Response: accessed with the report
- Landscaping scheme should be sought
Response: a landscaping scheme supports this application
- Drainage concern in relation to surface water
Response: this is covered in the report and by condition
- Impact on ecology
Response: this is covered in the report and no objection is raised.

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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2019/90725

Officer Recommendation: APPROVE

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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 LP21, LP22, LP24, LP33, LP35 and LP57 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. The external walls of the building hereby permitted shall be faced in Forticrete Anstone Pitched Faced Walling Stone - Regency Buff (with natural mortar) and K-render (colour: buttermilk), in accordance with the details shown on the approved plans, before the development is first occupied. The building shall be thereafter retained as such.

Reason: In order to ensure that the proposed building harmonises with the adjacent care home, in the interest of protect visual amenity and in accordance with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

4. The external roofing materials of the building hereby approved shall be Marley Eternit Duo Modern Interlocking Tile (Slate Grey).

Reason: In order to ensure that the proposed building harmonises with the adjacent care home, in the interest of protect visual amenity and in accordance with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

5. The development shall not be occupied until the first floor windows in the western side elevation of the building hereby approved have been obscure glazed (minimum obscurity level 5). The obscure glazing shall thereafter be retained.

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

6. The approved scheme shall be implemented by the end of the first planting season following the occupation of the first unit on site. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become

diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the aims of Policies LP24 and LP30 of the Kirklees Local Plan and as well as the aims of the National Planning Policy Framework.

7. The development shall be undertaken in complete accordance with the approved Arboricultural Method Statement.

Reason: In order to ensure that the development has an acceptable impact on existing trees within the site in accordance with the aims of Policy LP33 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

8. Prior to the development being brought into use, the proposed car parking spaces for the apartments hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policy LP21 and LP22 of the Kirklees Local Plan and the aims 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 Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In order to ensure that appropriate measures are put in place to ensure that the development has an acceptable impact on highway safety throughout the construction of the development in accordance with the aims of Policy LP21 of the Kirklees Local Plan.

10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Works on site shall not recommence until either (a) a Remediation Strategy 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from hazards in accordance with LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the building.

11. Before development commences a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should include the following information:-

- 1) The proposed design level of maintained average horizontal illuminance for the site
- 2) The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity
- 3) The proposals to minimise or eliminate glare from the use of the lighting installation
- 4) The proposed hours of operation of the lighting

Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

Reason: In order to ensure that the scheme has an acceptable impact in respect to light pollution, in accordance with Policy LP52 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

12. Before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken for the suppression of dust arising from operations permitted by this consent. The approved scheme shall be implemented before development commences and shall be operated thereafter.

Reason: In order to ensure that the scheme has an acceptable impact in respect to pollution, in accordance with Policy LP52 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

13. Prior to occupation of the building an electric vehicle recharging point shall be installed (one per dedicated parking space). 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 vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.

Reason: To encourage the use of low emissions vehicles in accordance with the aims of Policies LP24 and LP51 of the Kirklees Local Plan and the aims of Chapter 9 of the National Planning Policy Framework.

14. Development shall not commence until a drainage strategy for the disposal of foul and surface water has been submitted and approved in writing by the Local Planning Authority. This surface water drainage strategy shall include:

- Consideration of flood risk;
- Method of disposing of surface water, using the hierarchy of surface water discharge
- Discharge rate to the proposed outfall, if infiltration not used;
- Attenuation required to meet this discharge rate; and
- Drainage simulations for the following return periods:
 - o Qbar 30 year;
 - o 100 year;
 - o 100 year + climate change
- Comparison of existing and proposed impermeable area.

The development shall then be completed in accordance with the approved details and the drainage scheme shall be thereafter retained.

Reason: in order to ensure that the application is appropriately drained in accordance with the aims of Policy LP28 of the Kirklees Local Plan and the aims of the Chapter 14 of the National Planning Policy Framework.

NOTE: If the applicant wishes to utilise the drainage system within the neighbouring development, the LLFA require appropriate calculations showing that this system has sufficient capacity to receive the additional flows. Kirklees LLFA highlight that this application comprises brownfield development therefore a minimum 30% reduction in surface water discharge is required, unless a justification is made for a higher rate. Evidence is required to justify why the proposed discharge is the lowest possible.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

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:

- Monday – Friday – 07.30 and 18.30 hours
- Saturdays – 08.00 and 13.00hours
- With no working on Sundays or public holidays

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 schedule:-

Plan Type	Reference	Version	Date Received
Location Plan (red and blue line)	1414 LP	A	20 th March 2019
Existing Site Layout Plan	1414 1000	A	20 th March 2019
Proposed Site Layout Plan	1414 1110	H	5 th August 2019
Proposed Plans, Elevations, Site Layout and Streetscene	1414 1000	O	3 rd July 2019
Design and Access Statement	-	D	3 rd July 2019
Landscaping Scheme	4	D	6 th March 2019
Materials Plan	1414 1101	-	5 th August 2019
Phase I Habitat Survey Report	13252/JoC dated 16 th December 2016	-	6 th March 2019
Phase I GeoEnvironmental Desk Study	A1819/16 dated 14 th December 2016	-	6 th March 2019
Arboricultural Report including Method Statement	Scissett/RB/16 dated December 2016	-	6 th March 2019
GeoEnvironmental Investigation undertaken by Earth Environmental and Geotechnical	Ref: A1819/17 dated March 2017	-	5 th August 2019
Letter to LPA regarding gas monitoring	Ref: A1819-19 dated 7 th February 2019	-	5 th August 2019
Gas Monitoring Results	-	-	5 th August 2019

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 entered into negotiations with the agent on the application in order to secure a reduced scheme in the interests of protecting the Green Belt. The decision is based on the amended plans and the conditions listed above.

Report Dated: 6 August 2019