

**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: 2019/60/91370/W

Site Address: land adjacent to, 39, Far End Lane, Honley, Holmfirth,
HD9 6NS

Description: Outline application for erection of residential
development

Recommending Officer: Neil Bearcroft

DECISION – Conditional Outline 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: 05-Dec-2019

Officer Report

Site Description - land adjacent to, 39, Far End Lane, Honley, Holmfirth, HD9 6NS

The application site is forms the garden space to no.39 Far End Lane which is a two storey semi-detached stone built dwelling with two storey outhouse to the south west. Much of the garden is terraced with steps leading between the different levels of the garden.

The application site is steeply sloping and has recently had significant tree cover removed from the site. The site is bound by a stone boundary wall with an access point leading from Far Lane to the outhouse of no.39. Surrounding the site to the east is no.18 Woodhead Road which is a two storey dwelling set at a significantly lower level than Far End Lane. To the west and south are residential dwellings of varying designs and scales, though the predominant local construction material is natural stone.

Description of Proposal

The application seeks outline consent with all matters reserved for the erection of a single dwelling. An indicative layout plan has been provided which details the erection of a large detached dwelling to the northern side of the plot. The indicative details set out that a new access would be formed centrally in the existing boundary wall with a driving turning 90 degrees towards the proposed dwelling. A new footway across the site frontage is also proposed.

History of negotiations/amendments received

The application initially proposed the erection of 3 dwellings and the case Officer sought to agree, access, layout and scale of the development whilst also raising objections to the scheme. The proposal was subsequently reduced to 2 dwellings and then 1 dwelling following ongoing negotiations. A footway across the site frontage was also detailed in the amended plans. The amended plans were subsequently re-advertised.

Relevant Planning History

None

Representations

Final publicity date Expires: 12/7/2019. In total 17 comments were received over two periods of publicity 13 to the first submission and 4 to the amended scheme.

A summary of the comments received is set out below:

- The proposal will have a detrimental impact on the amenity of adjacent properties from overlooking, overbearing and overshadowing both directly between the dwellings but also of private amenity spaces.
- Levels between surrounding dwellings change significantly with properties on Woodhead Road at a substantially lower level, 13 metres lower. The sectional drawings do not show properties on Woodhead Road. These level changes increase the detrimental impact on residential amenity.
- Large retaining walls would be necessary to facilitate 3 dwellings which would be detrimental to local amenity and the character and appearance of the local area.
- Plot 2 would require the removal of further mature trees at the site which would further expose the site and increase potential for overlooking.
- The proposal has led to the loss of mature trees at the site to the detriment of the local environment and local ecology.
- Proposed decking to the rear would be out of keeping and lead to increased overlooking.
- There are concerns that there are no details have been submitted of where habitable windows would be located to allow a proper assessment of the whole development.
- The reduction of boundary wall would adversely impact on the character of the local area.
- There is no need for the large sized dwellings proposed as they will not support people getting on the housing ladder.
- Access to the site is dangerous on a bend in the road, speeds along the road often exceed 30mph and the use of the entrance for 3 dwellings would be detrimental to highway safety. The development would be detrimental to highway safety including pedestrians, cyclists and drivers. The proposal would increase on street parking as none is shown within the site.
- The supporting information is not site specific and includes generic comments which are not considered appropriate.

4 comments were received to the amended plans which in summary raised the following points:

- The site has still lead to the loss of a row of fine mature trees.
- The development still proposes a large detached executive style dwelling which would not be of benefit to the local community.
- The amended scheme has not overcome the concerns in relation to highway safety. Concern remain in relation to blind corner on Far End Lane and cars pulling out of the entrance would not be able to see the traffic coming along the road.
- Vehicle speeds along Far End Lane remain high and there is a high risk of an accident occurring along the road particularly from these crossing the road.
- Providing a footway and lowering the boundary wall to improve sightlines is not considered to be sufficient highway mitigation

measures to reduce the detrimental impact of the development on highway safety.

- Consideration must be given to construction traffic of the development given the nature of the local highway network.
- The proposal would lead to loss of light to properties on the opposite side of Far End Lane.

Holme Valley Parish Council comments - Support subject to the Approval of Highways but suggest trees are preserved. Concerns about overlooking.

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** – after the submission of amended plans, no objection.
- **KC Ecology** – object, insufficient information submitted.
- **KC Trees** – no objection as trees removed before the application was submitted.

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
- **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
- **LP30** – Biodiversity
- **LP33** – Trees
- **LP52** – Protection and improvement of environmental 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** – Delivering a sufficient supply of homes
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing a natural environment

Assessment

The application site is unallocated on the Local Plan and therefore Policies LP1 and 2 are relevant which support sustainable development. The proposed development seeks outline consent for a residential development with all matters reserved, however an indicative layout plan has been submitted detailing the erection of a single dwelling.

The key considerations for the proposal is whether the principle of developing the site for a single dwelling is acceptable in design and residential amenity terms and whether the proposal would have an adverse impact on highway safety. Other matters in relation to the principle of development the site such as ecological impact will also be considered along with all other material planning considerations and representations received.

Principle

The site forms part of the garden area to no.39 Far End Lane which until recently was substantially covered by mature trees, though this was cleared prior to the submission of the planning application. The proposal would provide a residential dwelling and therefore it is appropriate to consider the LPA's overall housing position

In the recently adopted Kirklees Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the 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) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Chapter 5 of the NPPF clearly identifies that Local Authority's 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.

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 development site forms a plot for a single dwelling in an established residential area. Although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However the provision of housing needs to be balanced against all material planning considerations considered below.

Design

General design considerations are set out in Policy LP24 of the Local Plan, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. This is further supported by Chapter 12 of the NPPF and the recently published National Design Guide which supports good design that functions well and adds to the overall quality of an area and retains a strong sense of place. Policy LP7 supports the efficient use of land and this further detailed in Chapter 11 of the NPPF

Specific details in relation to design are limited given the outline nature of the application, however a layout plan has been submitted which details one large detached dwelling located to the north of the site. Topography at the site is challenging and land levels across large parts of the site drop away substantially to Woodhead Road to the east. The submitted topographic survey details a change in levels of at least 10 metres. The indicative details show the position of the dwelling in the flattest part of the site to the north, though it is noted that levels still drop away up 2 metres in this area and that under build is shown on the sectional drawing suggesting that the dwelling would be split level, three storey to the rear and two storey to Far End Lane. Further structures would also be required to form the driveway which leads from a new opening which is shown further to the south.

Whilst requiring a level of retaining structures and under build it is considered that the site is capable of accommodating a single dwelling on the site in the northern part. The indicative layout shows that the dwelling could be positioned broadly in line with the adjacent no.s 37 and 39, with an overall ridge height set down from the adjacent properties. It is noted that the dwelling would have a substantial area of amenity space around the property, though it is acknowledged that much of this will be steeply sloping. However there are areas of land to the north east which are relatively level and would provide an acceptable amount of useable amenity space. It is therefore considered that a dwelling could be positioned on the site which retains the general pattern of the development in the local area and could sit comfortably within the local street scene. Specific design details regarding the layout, scale and appearance would be secured at reserved matters stage. It would be necessary to ensure that any new dwelling harmonised with no. 39 and the outbuildings to this property and in these circumstances a large, modern executive-style home may not be the design solution for the site.

The provision of a safe access to the site would require the demolition of the existing wall, this would also be required if a 2m footway was secured across the site frontage. The indicative site layout indicates the existing wall to be dismantled and site back into the set at a maximum height of 1m. This would inevitably affect the street scene as the existing wall is a prominent feature. However, balancing this against the provision of an additional dwelling and a new section of footway (and the replacement of the existing wall with a new wall of the same materials) the benefits of the scheme are considered to outweigh the harm caused to visual amenity through the loss of the existing wall.

In conclusion, the site is considered to be capable of accommodating a single dwelling that could be of an acceptable design and scale and have an acceptable impact on the local townscape. The proposal would therefore accord with Policy LP24 of the Local Plan and Policies in the NPPF.

Residential Amenity

With regard to amenity, Policy LP24 of the Local Plan advises that proposal should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. This is also supported by Chapter 12 of the NPPF. The key assessment of the proposal is the impact the proposed dwellings would have on surrounding dwellings.

As an outline application specific design details for the dwelling are limited. However the indicative layout plan would suggest that habitable room windows would be located in the front (north eastern) and rear (south western) elevations. The closest properties to be potentially affected by the development would be no.18 Woodhead Road to the east which is set at a substantially lower level and properties 8 to 14 on Far End Lane to the west. The impact on no.39 under the ownership of the applicant will also be considered.

With respect to no.18 it is acknowledged that the proposed dwelling would be set at a substantially higher level, however no.18 does not have any window openings within the rear elevation, therefore there is no potential for a direct window to window relationship to occur. Given the steep topography of the site where there is an existing impact from the land, it is not considered that the proposed dwelling would lead to any detrimental overbearing or overshadowing impact. Amenity space for the dwelling would extend up to the shared boundary with no.18 where a number of windows are located, however this is an existing relationship and is not considered that the proposal would materially change this relationship.

With regards to properties on Far End Lane a minimum separation distance of 20 metres would be achieved to the single storey gable end of part of the indicative proposed dwelling with further separation of 6 metres to the main two storey part of the dwelling. Such a level of separation between properties on Far End Lane is considered to be sufficient to protect the amenity of

existing occupiers and ensure that there is no detrimental overlooking, overbearing or overshadowing impact.

With regard to no.39 and where windows are located on the southern gable end elevation, a separation distance of 12.4 metres is achieved to proposed dwelling. This may be insufficient to ensure a good standard of amenity is retained as the dwelling would be due south of this property. It is noted that the dwelling would most likely increase overshadowing of these windows and a careful assessment would need to be carried out in the reserved matters application to ensure that the relationship between the two properties preserves the amenities of occupiers of no. 39 as well as future occupiers of the new dwelling.

With regard to future occupiers of the dwelling the application has been assessed by Environmental Health who have advised that a noise report would be required due to potential road noise from Woodhead Road to the east. This issue could be overcome by the submission of a noise report, such a noise report will therefore be conditioned.

Subject to a detailed assessment at reserved matters stage and conditioning a noise report, the proposed dwelling is considered to have an acceptable impact on the amenity of surrounding properties and would accord with Policies LP24 and LP52 of the Local Plan and Policies in Chapters 12 and 15 of the NPPF.

Highway Safety

Turning to highway safety Policies LP21 and 22 of the Local Plan are relevant which seeks to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. The application has also been assessed by the Highway DM Officer and amended layout has been provided.

The scheme, as amended, is considered to be acceptable from a highway safety perspective as appropriate sight lines can be achieved on to Far End Lane and the indicative layout sets out that a 2 metre wide footway could be achieved across the site frontage which would enhance pedestrian safety at the site. Given that access remains a reserved matter and it is considered that the provision of a 2 metre footway is a key requirement for the development, a condition requiring the submission of detail for the provision of the 2 metre footway will be attached to the decision notice.

Internal turning and parking arrangements could be appropriately achieved to allow vehicles to park and leave the site in a forward gear which is also acceptable. The access and parking area would need to be surfaced with a permeable surface however as layout and access are reserved matters it is not considered necessary to condition this detail.

In summary the application is considered to have an acceptable impact on Highway Safety and would accord with Policies LP21 and LP22 of the Local Plan.

Ecology

The impact of the development on local ecology and biodiversity needs to be considered in respect to condition LP30 and LP33 of the Local Plan and Chapter 15 of the NPPF. The application has also been assessed by the Councils Ecologist and Tree Officer.

As set out previously, prior to the submission of the application the site was extensively covered by trees, however these were removed with only tree stumps remaining across much of the site. The Tree Officer has confirmed that the Trees were not protected and Planning Officers confirm that no other consent would have been required for their removal. However the Tree Officer has advised that the loss of the trees should be sufficiently mitigated against by the development.

The site is also partly located within the Kirklees Wildlife Habitat Network (KWHN) and the Ecologist has advised that the development needs to safeguard and enhance the function and connectivity of the KWHN and result in no significant harm and provide biodiversity net gain.

Whilst no biodiversity information has been provided with the application, it was evident at the case officer's site visit and from assessing aerial photographs that the indicative position of the new dwelling is in an area which has been used as the main part of the garden space to no.39 and is predominantly a lawned area. This area is considered to be of a relatively low ecological value and it is not considered that the position of the dwelling itself would adversely impact on local ecology. However it is acknowledged that works to form the access would encroach into the area which was previously heavily wooded, but it is acknowledged that the removal of the trees has been carried out lawfully. Whilst the loss of the wooded area has adversely impacted on local ecology and the KWHN, this impact has been carried out, outside of the scope of the application and direct control of the LPA. It is therefore on balance not considered that the formation of the dwelling itself and associated access would have a significantly detrimental impact on local ecology.

To mitigate against the impact of the development on local ecology including the KWHN and provide enhancements brought about by the development, an Ecological Impact Assessment (EIA) will be conditioned to be submitted with details in respect to landscape. This is to ensure that the landscaping works at the site include a net gain to biodiversity and that the details are submitted as part of a detailed design scheme for the whole site. It is considered that the site is capable of including appropriate mitigation measures given its size.

Subject to the condition for the submission of an EIA it is considered that the proposed development would have an acceptable impact on local ecology and would accord with Policy LP30 and LP33 of the Local Plan and Policies in Chapter 15 of the NPPF.

Others Matters

Contaminated Land – Environmental Health have identified the site as being potentially contaminated given historical uses at the site. In accordance with Policy LP53 of the Local Plan such potential contamination needs to be considered in detail and therefore contaminated land conditions will be attached to the decision notice.

Air Quality – In line with guidance set out in the West Yorkshire Low Emissions Strategy and to support the provision of low carbon transport infrastructure in accordance with Policy LP24 of the Local Plan there is an opportunity to provide an electric vehicle charging point for each dwelling, this can be secured by condition.

Representations

In total 17 comments were received to the application including 13 to the initially proposed scheme and then 4 to the amended scheme. It is noted that Cllr Greaves also made comments on the application. A summary of the comments received is set out below along with a response to the points raised:

- The proposal will have a detrimental impact on the amenity of adjacent properties from overlooking, overbearing and overshadowing both directly between the dwellings but also of private amenity spaces.

Response: As set out above the amended scheme is considered to have addresses the concerns in relation to residential amenity and acceptable separation distances could be achieved to adjacent dwellings.

- Levels between surrounding dwellings change significantly with properties on Woodhead Road at a substantially lower level, 13 metres lower. The sectional drawings do not show properties on Woodhead Road. These level changes increase the detrimental impact on residential amenity.

Response: The levels change between properties on Woodhead Road is noted and observed on site. The amended scheme is considered to address concerns in relation to residential amenity.

- Large retaining walls would be necessary to facilitate 3 dwellings which would detrimental to local amenity and the character and appearance of the local area.

Response: The amended scheme is considered to have substantially reduced the number of retaining structures required to facilitate the development. Though it is noted that retaining structures would be necessary to form the drive to serve the single dwelling. However the level of retaining structures is considered to be acceptable in principle, though detail would need to be considered as part of the reserved matters approval.

- Plot 2 would require the removal of further mature trees at the site which would further expose the site and increase potential for overlooking.

Response: Plot 2 has now been removed from the scheme and therefore this concern has been overcome.

- The proposal has led to the loss of mature trees at the site to the detriment of the local environment and local ecology.

Response: It is noted that a large number of mature trees were lost prior to the submission of the application, however these were not protected and therefore no consent was required for their removal. To address the loss of mature trees as set out above the submission of an ecological enhancement strategy has been conditioned to be submitted with the reserved matters submission of landscaping works.

- Proposed decking to the rear would be out of keeping and lead to increased overlooking.

Response: The decking has been removed from the proposal and therefore this concern has been overcome.

- There are concerns that there are no details have been submitted of where habitable windows would be located to allow a proper assessment of the whole development.

Response: Such detail would be assessed as part of a reserved matters submission

- The reduction of boundary wall would adversely impact on the character of the local area.

Response: The reduction of the boundary whilst changing the appearance of the site would facilitate the provision of a 2 metre side footway to the benefit of pedestrian and highway safety and the wall would be rebuilt, whilst restricted to 1 metre would retain appearance of the site.

- There is no need for the large sized dwellings proposed as they will not support people getting on the housing ladder.

Response: The application is for a single detached dwelling in a relatively large plot. Details of scale would be considered at reserved matters stage.

- Access to the site is dangerous on a bend in the road, speeds along the road often exceed 30mph and the use of the entrance for 3 dwellings would be detrimental to highway safety. The development would be detrimental to highway safety including pedestrians, cyclists and drivers. The proposal would increase on street parking as none is shown within the site.

Response: The amended scheme with the inclusion of a footway across the site frontage and reduction in the height of the boundary wall by the entrance is considered to ensure that the development has an acceptable impact on highway safety. The provision of the footway would also improve pedestrian safety in the local area.

- The supporting information is not site specific and includes generic comments which are not considered appropriate.

Response: The application has been assessed on its own individual planning merits, supporting information has been considered but so has all other material planning considerations.

4 comments were received to the amended plans which in summary raised the following points:

- The site has still lead to the loss of a row of fine mature trees.

Response: Noted, but as set out above the trees were not protected and therefore no consent was required for their removal.

- The development still proposes a large detached executive style dwelling which would not be of benefit to the local community.

Response: Noted, but as set out above the proposal would provide 1 single dwelling which would contribute to the housing supply.

- The amended scheme has not overcome the concerns in relation to highway safety. Concern remain in relation to blind corner on Far End Lane and cars pulling out of the entrance would not be able to see the traffic coming along the road.
- Vehicle speeds along Far End Lane remain high and there is a high risk of an accident occurring along the road particularly from these crossing the road.
- Providing a footway and lowering the boundary wall to improve sightlines is not considered to be sufficient highway mitigation measures to reduce the detrimental impact of the development on highway safety.

Response: As set out above the scheme as amended has been assessed by the Highways Officer who raises no objection to the proposal and the development would have the benefit of providing a footway across the sites frontage and appropriate sightlines could be achieved.

- Consideration must be given to construction traffic of the development given the nature of the local highway network.

Response: The application is for a single dwelling and it is considered that adequate access for construction could be achieved without the need for further information

- The proposal would lead to loss of light to properties on the opposite side of Far End Lane.

Response: The proposed dwelling is located to the north east of properties on Far End Lane with a minimum separation distance of 15 metres achieved to the closest part of the dwelling. Such a separation distance and orientation of the property is considered to ensure that there would be no adverse impact on residential amenity. Specific details would be assessed as part of a reserved matters submission.

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 – Grant Outline Consent

Decision Authorisation - Delegated Powers

Application Number: 2019/91370

Officer Recommendation: Grant Outline Consent

Conditions and Reasons

1. Approval of the details of the access, layout, scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning

Authority in writing before any development commenced.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to access, scale, appearance, layout and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Before the superstructure of the dwelling is commenced a report specifying the measures to be taken to protect the development from noise from road traffic on Woodhead Road shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- i. Determine the existing noise climate
- ii. Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- iii. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of the protection of the amenity of future occupiers from traffic noise from Woodhead Road and to accord with Policies LP24 and LP52 of the Kirklees Local Plan

6. No groundworks shall commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and 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 Local Plan and the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (6), groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and 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 Local Plan and the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (7), further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Local Plan and the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (8). 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. 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 Local Plan and the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to 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 Local Plan and the National Planning Policy Framework.

11. Prior to occupation of the dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of sustainable transport to promote ultra-low emission vehicles and to accord with Policy LP24 of the Kirklees Local Plan.

12. The details submitted in respect of landscaping pursuant to Conditions 1 and 2 shall be accompanied by a scheme of details for the provision of wildlife habitat improvements. The arrangements shall include

- a long-term specification and management plan for wildlife habitat conservation and improvements, tailored to the Habitats and Species of Principal Importance and Protected Species (and the potential for protected species
- where relevant: a scheme of invasive species eradication; a strategy for keeping the site free of invasive species;
- artificial bat roosting / swift and swallow nesting sites on the buildings (integral to the new builds); and the,
- timescale for the implementation of the wildlife habitat improvements

The development shall be carried out in complete accordance with the approved scheme and timescales and thereafter be retained for the lifetime of the development.

Reason: In the interests of the biodiversity of the site and in accordance with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

13. The details submitted in respect of access and layout pursuant to Conditions 1 and 2 shall be accompanied by a scheme of details for the provision of a 2 metre wide footway across the site frontage. The footway shall be provided in accordance with the approved details before the development is first brought into use and shall be retained thereafter.

Reason: In the interest of highway and pedestrian safety and to accord with Policy LP21 and LP22 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site Plan	01	-	23/4/2019
Proposed Site Plan	02 Rev B	-	20/6/2019
Design and Access Statement	2601	-	23/4/2019

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 secured amended plans which reduced the number of dwellings to 1 and includes highway improvements by the provision of a footway across the site frontage. The decision on the application was based on the amended plans.

Report Dated: 4/12/2019