

**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: 2020/62/90264/E
Site Address: land adj, 20, Quarryside Road, Mirfield, WF14 9QQ
Description: Erection of detached dwelling
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04-Aug-2020

Officer Report

Site Description

The application site comprises a roughly rectangular-shaped parcel of land positioned on the northern side of Quarryside Road; an unadopted access road serving a number of residential properties. This garden is currently used as garden space to the adjacent residential properties to the north of the site. At the time of the site visit, the garden area was unkempt. The northern section of the site which adjoins Quarryside Road contains an area of hardstanding, which serves the host property. To the north of the red line boundary, the garden area also contains a detached garage which would take vehicular access from the north from Nab Lane. The application site is surrounded by residential development; to the north of the site lies a row of terraced dwellings, containing the host property and nos.,,. The elongated gardens associated with these dwelling are positioned to the west of the site, with many of these containing a driveway and or parking area at the Quarryside Road end. To the south and east lie further residential properties. There is a diverse mix of residential properties to both the north and south sides of Quarryside Road, with no particular prevailing property type or material.

Description of Proposal

Planning permission is sought for the erection of a detached dwelling on the application site. The submitted plans demonstrate that the dwelling would be positioned fairly centrally within the site. The dwelling would have a footprint of approximately 10.2m x 6.3m and provide living accommodation, including 4 bedrooms, across 2.5 storeys. The dwelling would have a dual-pitched roof with a front-facing gable and would feature a two-storey, flat roofed projecting element on the front elevation. There would be openings on all four elevations, albeit all main habitable room windows would be located on the front and rear elevations. To the rear would be an area of private amenity space extending approximately 10.5m from the dwelling's rear elevation. To the front of the dwelling would be an area of hardstanding which could accommodate 3no cars. With regards to materials, the dwelling would be faced in red brickwork with the projecting bay feature comprising a natural stone finish. The roof covering would be artificial slate.

History of negotiations

The agent supplied further supporting information which related to highways matters and risk from former coal mining activities.

Relevant Planning History

None on the site

Representations

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

As a result of the publicity period, 12no representations have been received. These are summarised below:

- Highway safety
 - Narrow road
 - Additional cars will cause a bottleneck and extra noise
 - No pavement
 - Concern about additional cars on the road
 - This road has recently been surfaced which has improved it however this has lead to more people using it and increased speeds
 - Some properties have poor visibility due to hedging
 - Concerns that the road is becoming unsafe
 - Road is used by pedestrians walking to the school as well as car-users picking up children from the school
 - Concerns about the location of the access
 - The application property has only received had an access from Quarryside Road – it was previously blocked off and concerns that this access was formed without planning permission
 - Concerns that the proposed access/parking arrangements wouldn't work
 - Concerns about emergency vehicles getting through when the road is congested
- Will block the view of the terraced properties to the rear
- Concerns about the design and appearance of the dwelling and that it is on slightly higher land
- Building plot is too small
- Concerns about the dwelling resulting in a loss of residential amenity; overbearing, overlooking, overshadowing
- Private rights taken from a property register for no. 65, Nabs Lane are cited
- Plans do no offer a realistic representation of the impacts
- Previous planning history for the area cited both approvals and refusals, particularly 2000/60/90819/E4.
- If planning permission is granted, the other properties within the row would wish to do the same
- Private legal rights for access across Quarryside Road
- Loss of view
- Queries about receiving certificate B
- The area is a community asset
- The site could have been subjected to previously quarry workings

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, following receipt of additional information

KC Environmental Health: no objection subject to conditions

The Coal Authority: no objection subject to conditions, following receipt of additional information.

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):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity
- LP 53 – Unstable and contaminated 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 9 – Supporting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of Development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development. It also states that planning decisions should ensure a high standard of amenity for existing and future users.

In this instance, it is acknowledged that the application site is located within an established residential area, close to local amenities. As such, the site can be considered acceptable for residential development in principle and an assessment of the proposed development in relation to all material considerations is set out below.

Visual Amenity

Quarryside Road is characterised by its diverse streetscene, however in general, properties face onto the road with a small front garden/parking space and a larger area of amenity space to the rear. There are a variety of property styles and scales as well as a varied palette of materials. To the western side end, a number of properties on Nab Lane have their rear gardens abutting Quarryside Road. In terms of the application site, this forms the amenity space associated with no. 65, Nab Lane (and includes a strip of land that was formerly associated with no. 67, Nab Lane). At the time of the visit, the site was in a poor state, containing rubble.

The dwelling would be placed centrally within the application site and adjacent to the existing no. 20, Quarryside Road; a detached dwelling constructed from red brick and extended to its western side as well as to the rear. From reviewing the site plan, the dwelling would roughly align with the front elevation of this adjacent property. The footprint would be rectangular, with the rear elevation projecting back past this dwelling at an angle. A streetscene plan has been provided which demonstrates the relationship that the proposed dwelling would form with the neighbouring property. It is shown that the ridge height of this property would be similar to the ridge line of the front gable of the dwelling. Given the variety of property styles and materials, the proposed front gabled design with projecting two storey bay feature would not be harmful to the appearance of the streetscene. The proposed materials of red brick and stone detailing as shown on the plans is considered to be acceptable and can be conditioned in the interest of visual amenity.

It is noted that to the west of the application site, there are no other dwellings within the gardens of this row of terraced properties, only garage structures and areas of hardstanding. Even so, when considering the diverse nature of the streetscene, it is not considered that the siting of a dwelling in this position would unduly detract from the character of the area or harmfully alter the way that the area functions. There remains 10.5m between the rear elevation of the proposed dwelling to the rear boundary and 20m between the rear elevation of this property and the front elevation of the host property at no. 67, Nab Lane. It is considered that the proposal would not lead to overdevelopment of the application site, and that there would be a reasonable space about both dwellings, should this application be approved.

In summary, the proposed dwelling is considered acceptable in terms of visual amenity and accords with the aims of Policy LP24 of the KLP as well as the aims of Chapter 12 of the NPPF.

Residential Amenity of existing properties

No. 20, Quarryside Road is located immediately to the east of the application site. This dwelling has a blank side elevation, with its main habitable room openings positioned within the front and rear elevations. There is a small lean-to on the rear elevation and private amenity space to the rear. The proposed dwelling would project further back passed the rear elevation of the dwelling, however the orientation of the proposed dwelling is such that no. 20, would be orientated away from this. As such, this increases the distance between the dwellings at the rear thus limiting the impact from the proposed massing. There are no habitable room openings in the side elevations of the dwelling and a condition could be imposed removing permitted development rights for any further openings within the side elevation to avoid any potential future overlooking. In summary, the impact on this property and its amenity space is considered acceptable.

No. 67, Nab Lane is located due north of this proposed dwelling. There would be a 20m separation distance between habitable room openings which is considered sufficient to prevent harmful overlooking between the rooms. Whilst a significant section of its garden would be lost, 10m would remain which is considered acceptable. Given the separation distances that would remain, the level of harm on this property is considered minimal.

With a separation distance between the elevations of the proposed dwelling and no. 67, Quarryside Lane in excess of 20m, together with the angling shown, it is not considered that there would be a significant adverse impact on the occupier of this dwelling from within their property. In terms of the impact on their amenity space, whilst there would be built form positioned at the top of their garden area, given the elongated garden space that they benefit from, it is not considered that the impact would be significantly detrimental. This is also true of the relationship it would form with the adjacent gardens of the terraced houses beyond no. 67's.

There is a distance in excess of 20m between the front elevation of the property and those on the opposite side of Quarryside Road. As such, there would not be a harmful impact associated with this development.

Amenity of the future occupants

The occupants of the proposed dwelling would have a good standard of amenity with a reasonable sized garden and well laid-out rooms within the dwelling. It is considered that they would have a good standard of amenity without experiencing harmful overlooking or overbearing from adjacent properties and structures.

In summary, the application is considered to have an acceptable impact on residential amenity and to comply with the aims of Policy LP24 of the KLP and the aims of the NPPF.

Highway Safety

This dwelling would be accessed from Quarryside Road, and would contain an area of hardstanding to the front of the property suitable for the parking of 3no cars. The parking area would be positioned adjacent the parking areas for the existing terraced properties and in an area that is currently used for parking serving no. 67, Nab Lane.

The proposed development has been reviewed by KC Highways DM. They comment that the proposed dwelling would contain four bedrooms and a study with off-street parking for three vehicles as demonstrated on drawing no. (18649)1_Block Plan.

Although this parking arrangement is deemed acceptable for the new dwelling, KC Highways DM were concerned as it appeared to detrimentally impact on the potential parking provision for property nos. 65 and 69, Nab Lane. It was also unclear whether the proposal encroaches on land beyond the red line boundary and onto land belonging to no. 69, Nab Lane. Highways DM also raised concern regarding the intensification of use of Quarryside Road which is too narrow to allow two vehicles to pass for the majority of its length.

In order for a full assessed to be carried out, it was requested that the applicant provided:

- Detail of the number of off-street parking spaces retained by 65 and 69 Nab Lane. The number of bedrooms for each dwelling will also be necessary to ascertain whether there is a shortfall.
- Delineation on a block plan of the boundary between the plot of land owned by 69 Nab Lane and that owned by 65 Nab Lane.

Further information was supplied by the agent who stated that:

- No. 65, Nab Lane is a 3 bedroom end-terrace and has a detached garage which is accessed from Nab Lane as well as access from Quarryside Road - there is space to turn between the two rows of terraces so a vehicle exits Nab Lane in a forward gear, turns in the

alley and reverses back to the garage. The proposed arrangement will remain the same although the garage is asbestos and proposed for demolition. However, the agent states that the applicant will continue to park in this area or in tandem form down the side of the dwelling.

- No. 69 Nab Lane, is a 3 bedroom mid terrace. It currently has parking off Quarryside Road for three vehicles which comprises a garage and parking apron. There is a raised planting bed which occupies a strip to the boundary which will be removed to retain the provision in the same arrangement.
- In terms of the intensification of Quarryside Road, it is argued that the number of dwellings served by Quarryside Road will remain the same since no. 65, Nab Lane will now be separated from it by the new dwelling. Whilst this will have 3 spaces, the agent contends that the increase in vehicle movements will be minimal

This additional information has been reviewed by KC Highways DM who accept this and considered that, on the basis of the additional information, the proposed development is acceptable in terms of highway safety. They request, should the application be approved, that a condition is imposed requiring that the areas for parking are permeably surfaced.

In summary, the proposed scheme is considered acceptable in relation to highway safety and complies with the aims of Policies LP21 and LP22 of the KLP.

Drainage

The site does not lie within an EA Flood Zone nor does it lie within a Flood Zone on the SFRA. There are no known watercourses that cross the lie.

No drainage strategy has been submitted in support of this application. As such, a condition will be imposed requiring a drainage scheme to be submitted, prior to the commencement of development on the superstructure of the dwellings. This will need to be designed in accordance with the hierarchy of drainage in accordance with the aims of Policy LP28 and the aims of Chapter 14 of the NPPF. Where soakaways are proposed, testing that demonstrates that they are an appropriate drainage strategy for the site will need to be submitted.

The inclusion of this condition will allow the application to accord with the aims of Policy LP28 of the KLP and the aims of the NPPF.

Ecology

There are no specific ecological designations on the site nor does the site fall within the bat alert layer on the council's GIS. Further to this, no trees of arboricultural merit are to be impacted as a result of this proposal.

In summary, the application is considered to comply with the aims of Policies LP30 and LP33 of the Kirklees Local Plan as well as the aims of Chapter 15 of the NPPF.

Environmental Issues

Air Quality

Chapter 9 of the NPPF states the government's intentions of the decision-making process to maximise sustainable transport solutions which includes the supporting the transition to low emission vehicles. This is also set out within Policy LP24 of the KLP and the West Yorkshire Low Emissions Strategy.

In accordance with the above, there is a requirement for one electric vehicle charging point to be installed per dwelling on the site, which will be controlled by condition. This is in order to aid the transition to ultra-low emission vehicles. With the inclusion of the above condition, the application is considered to comply with the aims of Policy LP 24 of the KLP, Chapter 9 of the NPPF as well as the Low Emissions Strategy.

Contamination and coal mining risk

The Coal Authority have reviewed the application and further supporting information has been provided with respect to this. On receipt of this, the Coal Authority raise no objection, subject to the imposition of conditions relating to the submission of a Phase 2 ground investigation report as well as a remediation/validation strategy as necessary. These conditions will be added in the interest of health and safety, to ensure that ground conditions with respect to past coal mining have been appropriately investigated and mitigated. This is in accordance with Policy LP53 of the KLP and the aims of the NPPF.

KC Environmental Health has reviewed the application and raise no objection subject to conditions relating to contaminated land. These too will be applied in accordance with Policies LP53 of the KLP and the aims of the NPPF.

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.

The issue of climate change has been addressed by the agent in the supporting information alongside this application. This is set out below:

The issue of Climate change will be addressed through the construction of the new dwelling. The proposed envelope will meet the current Building Regulations in terms of Part L and Thermal Performance and the dwellings will be served by new low nox A-rated boilers to provide both heating and hot water on thermostatic controls. Lights will be energy saving and will be fitted with timers whilst water saving devices will be fitted to all sanitaryware. Martin Dyson Homes is a local contractor and materials for the works will be sourced locally where possible and waste will be recycled as far as possible. Recycling provision will also be provided. Discussions will be held with renewable energy providers to explore possible technologies which subject to funding may be introduced.

This is considered sufficient in response to an application of this scale and the applicant has demonstrated how climate change has been taken into account in this development proposal, thus according with the aims of Policies LP24 and LP51 of the KLP and the aims of the NPPF.

Representations

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

As a result of the publicity period, 12no representations have been received. These are summarised below:

- Highway safety
 - Narrow road
 - Additional cars will cause a bottleneck and extra noise
 - No pavement
 - Concern about additional cars on the road
 - This road has recently been surfaced which has improved it however this has lead to more people using it and increased speeds
 - Some properties have poor visibility due to hedging
 - Concerns that the road is becoming unsafe
 - Road is used by pedestrians walking to the school as well as car-users picking up children from the school
 - Concerns about the location of the access
 - The application property has only received had an access from Quarryside Road – it was previously blocked off and concerns that this access was formed without planning permission
 - Concerns that the proposed access/parking arrangements wouldn't work
 - Concerns about emergency vehicles getting through when the road is congested

Response: KC Highways DM have reviewed the proposed development and raise no objections to receipt of additional supporting

information. KC Highways DM are aware of the comments received, however this does not change their conclusion on the acceptability of the scheme.

- Will block the view of the terraced properties to the rear
Response: loss of view is not a material planning consideration.
- Concerns about the design and appearance of the dwelling and that it is on slightly higher land
Response: the comment is noted, however, for the reasons set out in the visual amenity section, the proposed development is considered acceptable in terms of design and appearance
- Building plot is too small
Response: this is addressed within the report and it is considered that the proposed development would not result in overdevelopment of the site.
- Concerns about the dwelling resulting in a loss of residential amenity; overbearing, overlooking, overshadowing
Response: the impacts on the residential amenity of surrounding dwellings has been assessed in the relevant section of the report above
- Private rights taken from a property register for no. 65, Nabs Lane are cited
Response: The applicant has confirmed that the ownership certificates are correct. Any grant of planning permission does not override private legal rights which are not material considerations in the determination of planning applications.
- Plans do not offer a realistic representation of the impacts
Response: the plans have been reviewed and a site visit undertaken so the case officer has a full understanding of the proposed development and the surroundings.
- Previous planning history for the area cited both approvals and refusals, particularly 2000/60/90819/E4.
Response: the previous planning history is noted, however for the reasons set out above, the proposed development has been considered acceptable.
- If planning permission is granted, the other properties within the row would wish to do the same
Response: Each planning application is judged on its own merits.
- Private legal rights for access across Quarryside Road
Response: Certificate B has been signed and notice served on separate landowners including those that share the access road. This does not affect private legal rights

- Loss of view
Response: this is not a material planning consideration
- Queries about receiving certificate B
Certificate B has been signed and notice served on separate landowners including those that share the access road. This does not affect private legal rights
- The area is a community asset
Response: the application has been considered acceptable for the reasons set out in the officer report above.
- The site could have been subjected to previously quarry workings
Response: the application has been reviewed by The Coal Authority and KC Environmental Health who recommend conditions.

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: 2020/90264

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 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.
3. The external walls of the dwelling hereby approved shall be faced in red brick and natural stone in accordance with the details shown on the approved plans.
Reason: In the interest of visual amenity and in order to comply with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
4. The external roofing materials of the dwelling hereby approved shall be artificial slate.
Reason: In the interest of visual amenity and to comply with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
5. A boundary treatment plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved boundary treatment details before the dwelling is first occupied. This boundary treatment shall be thereafter retained.
Reason: In the interest of residential amenity and to comply with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within

Classes A, B or E of Part 1 of Schedule 2 to that Order shall be made to the dwellinghouse hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In order to prevent overdevelopment of the site and to ensure that further extensions do not result in harmful overlooking to occupants of neighbouring dwellings, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of the dwelling hereby approved.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.
8. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 superseded; and thereafter retained.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the Policies LP21 and LP22 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.
9. Prior to occupation of any dwelling an electric vehicle recharging point shall be installed at each dwelling. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicles charging point shall be thereafter be retained.
Reason: To accord with the aims of Policy LP24 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the aims of the West Yorkshire Low Emissions Strategy.
10. A scheme detailing foul, surface water and land drainage (designed in accordance with the Hierarchy of Drainage) shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway that is an effective means of drainage of surface water on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.
Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Groundworks shall not 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 from contaminated land in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.
12. Where further intrusive investigations are recommended pursuant to condition 11, 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 from contaminated land in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.
13. Groundworks shall not commence until a Phase II Intrusive Site Investigation Report to establish the exact situation regarding coal mining legacy issues on the site 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 from coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.
14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Reports approved pursuant to conditions 12 and 13, 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 from contaminated land and coal mining hazards and features in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.
15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in 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 from contaminated land and coal mining hazards and features in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

16. 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 from contaminated land and coal mining hazards and features in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Block Plan and Elevations as Proposed	(18649)1	Rev A	13 th February 2020
Plans as Proposed	(18649) 2		13 th February 2020
Block Plan illustrating parking arrangements	7856/1A		18 th March 2020
Design and Access Statement			13 th February 2020
Coal Mining Risk Assessment undertaken by Your Environmental dated 24 th April 2019	YG0114-19		11 th May 2020
Additional letter from Your Environmental dated 16 th April 2020	YG0114-19		11 th May 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 agent provided additional supporting information in relation to coal mining issues and highway safety.

Report Dated: 20th July 2020

