

**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:	2020/62/93742/E
Site Address:	adj, Hebble House, 10, Hebble Court, Thornhill Lees, Dewsbury, WF12 0AY
Description:	Erection of 3 detached dwellings
Recommending Officer:	Emma Thompson

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: 14 October 2022

Officer Report

Site Description

Adjacent to Hebble House, Hebble Court, Dewsbury

The application site relates to a small area of land located within a recent residential development which is located off Hebble Court. The dwellings within the row are a mixture of 2 and a half storey detached, semi-detached and terraced dwellings constructed of artificial stone.

The site forms a rectangular area of land which appears disused and unkempt in appearance. Access is via Hebble Court which continues to the east providing access to 2 pairs of semi detached dwellings. The Calder and Hebble Navigation runs to the north of the site with a commercial site to the south.

Description of Proposal

The application seeks full planning permission for the erection of 3 dwellings

The site layout shows 3 detached dwellings with two different house types (T7 and T8). T7 is a 2.5 storey dwelling showing lounge, kitchen and diner at ground floor, three bedrooms and house bathroom at first floor level and two additional bedrooms in the roof space. The front elevation shows a small dormer off set with a central dormer to the rear. There are two T7 dwellings adjacent to each other. T8 is located to the east neighbouring existing development. T8 is also set over three floors but is a smaller dwelling with lounge, kitchen and diner at ground floor, two bedrooms at first floor and two additional bedrooms in the roof space. The dwelling also features small dormers to front and rear.

The dwellings would have a ridge height of approximately 9-9.5m and would be set in a line adjacent to the existing pair of semi detached properties. The dwellings have an overall depth of approximately 9.9 metres which would set them generally in line with existing development. Windows proposed within the dwellings are to be installed in both the front and rear elevations. A canopy feature is also to be provided along the front elevations of the properties.

Each dwelling is shown to benefit from off-street car parking spaces alongside with three spaces shown for the larger T7 properties and 2 for the T8. A shared turning area is shown between two of the dwellings with parking for 'plot 18' beyond this.

Garden/amenity areas are located to the rear. Bin storage is not shown but is presumed to be at the rear of the dwellings as access can be gained.

Dwellings are to be constructed from artificial stone with concrete roof tiles.

History of negotiations/amendments received

Further details were sought to alleviate highway concerns. Also information in respect of land contamination was received. During the course of the application additional information in respect of land contamination and noise mitigation have been received on a sporadic basis and re-consultation has taken place. The conditions imposed reflect the latest position with regards to remediation and noise.

The applicant has agreed to outstanding matters being controlled by the imposition of pre-commencement conditions.

Relevant Planning History

None relevant to the site specifically.

2005/93796 – application for residential development along Hebble Court set either side of the proposed development approved and constructed.

Representations

Final publicity date expires:

Neighbour Letters – Expired 25th January 2021.

One representation has been received summarised below:

- Lack of parking
- Lack of turning
- No visibility
- Road safety

Parish/Town Council Comments

N/A.

Local Ward Members

N/A.

Consultation Responses

KC Highways Development Management – No objections.

KC Environmental Health – Recommend conditions.

Coal Authority – No objections subject to conditions

Canal & Rivers Trust – No objections

Planning Policy Background

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

The application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated Land**

Supplementary Planning Guidance:

- Kirklees Highways Design Guide (Adopted)
- Kirklees Housebuilders SPD (June 2021)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 - Principle of Development:

1.1 - Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

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

Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. As the application site measures 0.05ha it is considered acceptable that 3 dwellings are proposed to be constructed at this site. Properties located adjacent to the site and on Hebble Court comprise of similarly designed properties as proposed including a mixture of detached, semi-detached and terrace dwellings of similar scale. Residential curtilages are relatively modest with small rear gardens. The dwellings proposed within this application are to be 2.5 storey properties with small amenity areas to the rear and parking to the side.

Paragraph 69 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 application site comprises of a medium sized rectangular plot of land surrounded predominantly by residential dwellings. Whilst it is acknowledged that the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. In this case, the principle of development is considered to be acceptable and the proposal shall now be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. The recently adopted housebuilders design SPD also set out design principles for new developments which will be considered with this application.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*

- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The site neighbours existing residential development of similar scale and design. As discussed previously the neighbouring properties comprises of a mix of detached, semi-detached and terrace properties similar height. Materials of construction are artificial stone and concrete roofs and the applicant has submitted photographs of those proposed. The immediately surrounding area along Hebble Court area is similar to the development proposed in terms of design, appearance and character.

The application site is openly visible from public view on Hebble Court and from the tow path running alongside the waterway. The site is, therefore, situated in a relatively prominent location in which it is important that the proposals are complementary and sympathetic to the adjacent dwelling and the character and appearance in terms of layout, scale, massing, design and materials used within the dwellings.

Regarding the layout, siting, scale and massing of the proposed dwellings, the proposed dwellings are to be constructed as three detached dwellings with principal elevations facing out onto Hebble Court thereby retaining an active frontage along the highway. The dwellings are to be of a similar layout, design and scale to the adjacent dwellings constructed following the grant of planning permission 2005/93796. It is considered that the development would complement the appearance of the existing dwellings along the street and preserve the character and appearance of the Area.

Regarding the appearance of the dwellings, as noted previously they are to be linear in form and of a simple construction with pitched roofs and with the inclusion of small dormers to the front and rear. The dwellings are to be faced with artificial stone and have concrete tile roof. These materials would be similar to those already used in the adjacent dwellings. The use of these materials is therefore considered acceptable in principle. The applicant has provided a photograph but no other details as such subject to condition requiring more detailed information or samples being provided, the application is considered acceptable.

Given the above and taking into consideration the location of the site within an established development, it is considered that the scheme would improve the existing area by introducing development on an existing area of unkempt land. To ensure the detailed development of the site achieves this, conditions will be attached to the decision notice for the construction materials to ensure that the development would comply with the requirements of Policy LP24 of the

Kirklees Local Plan, and Chapter 12 of the National Planning Policy Framework.

It is therefore considered that the proposals are acceptable in terms of visual amenity and would accord with both local and national planning policy.

3 - Impact on Residential Amenity:

Sections B and C of LP24 state that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers”.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Impact within the site

The dwellings proposed are set adjacent to one another, in a line with habitable room windows to the front and rear elevations. As such there will be no impact on any occupant as a consequence of being overbearing or overshadowing. The relationships are such that privacy for each occupant would be similar with views from windows across rear gardens which is akin to the existing development situated along Hebble Court and considered characteristic and acceptable.

Impact on existing development no. 2 Hebble Court

This neighbouring property is located to the east of the application site, adjacent to Plot 18. The proposed dwelling is to be erected on an area of unkempt land thereby improving the general outlook and character. In terms of potential overshadowing or the proposals appearing overbearing in nature, it is in officer's opinion that due to the site layout and scale of the development being similar to the adjacent property there would be negligible impact in this respect. Whilst the development introduces windows in the rear there are no concerns in respect to overlooking or loss of privacy as there is an existing relationship to number 2 to the east. Given the relationship it is not considered necessary to remove permitted development rights for windows.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework.

Amenity of future occupiers of the proposed dwellings

Consideration must also be given to the amenity of future residents of the proposed dwellings. Internally, the proposed dwellings would have a GIA that

would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwellings would provide an adequate standard of amenity for future occupiers. In addition to this, officers considered that the amount of private amenity space provided for the proposed dwellings would be adequate, given the modest provision it is considered relevant and necessary to remove permitted development rights for further development including outbuildings and any extension. Finally, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable.

Given the above, it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Given the nature of the proposals the Council's highways officers were consulted.

Review of the site history shows that the application site is adjacent to previous application site (Application 2005/93796) for 15 dwellings, now completed. The 15 dwellings being served from Hebble Court; plots 1 to 10 being served from an adopted shared surface street, plots 11 to 15 being served from an unadopted private drive.

It is proposed to serve the 3 additional dwellings from the private drive, bringing the total number of properties served from the private drive to 8. The recently adopted Kirklees Highway Design Guide recommends that an access serving more than 5 dwellings should be laid out to adoptable standard and be able to be offered for adoption. The private drive is currently not laid out to adoptable standard.

It appears that the private drive serving plots 11 to 15 has not been built in accordance with the approved plan, which included a turning head at the eastern end of the access, between plots 14 and 15, to enable refuse vehicle turning. The turning head has not been provided, as result of which service vehicles servicing these properties have to reverse in excess of 80m.

Following discussions with the applicant a revised plan (Drawing No. 15.1556.52B) has been submitted, which incorporates a turning head between plots 17 and 18. Whilst it is acknowledged that the proposed turning head cannot accommodate a full-size refuse collection vehicle, it can accommodate smaller home delivery type service vehicles and cars, of the type that are more likely to frequently require access. Colleagues in the waste

collection service have confirmed that the refuse collection vehicle currently reverses from Hebble Court down the private drive, which appears to operate without undue problems, a situation which will continue unchanged. The proposed turning head is considered beneficial and on balance, in this instance is considered acceptable. A condition is required to provide vehicle turning to ensure vehicles are not reversing along the highway.

Each property provides 3 off street parking spaces, which is acceptable and accords with recommended guidance. Conditions are required in respect surfacing and drainage to accord with the local plan and NPPF.

For the above reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Coal Mining Legacy

The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that a coal seam outcrops to the north of the site, dipping in a southerly direction beneath the site. This seam may have been worked in the past.

The planning application is accompanied by a Coal Mining Risk Assessment report (27 November 2020, prepared by Geoinvestigate Ltd). Based on a review of relevant sources of coal mining and geological information, the report concludes that possible unrecorded mine workings within a single coal seam at very shallow - shallow depth could affect surface ground stability at the site. It also identifies that a mine adit/tunnel may extend close to the south western corner of the site but is not expected to impact the development.

Accordingly, the report goes on to make appropriate recommendations for the carrying out of intrusive ground investigations. As such, the Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding mining legacy which could pose a risk to the proposed development.

Further information has been submitted and consulted on and the Coal Authority have confirmed in their response dated 23rd March 2022 that matters have been satisfactorily dealt with and conditions are not required.

Land contamination

The application has been referred to Environmental Health for comment in respect of land contamination. To date Environmental Health have commented on the following documents:

- a Coal Mining Risk Assessment report by Geoinvestigate Ltd, dated 27 November 2020
- a letter titled '*Drilling Investigation at Slaithewaite Road, Thornhill Lees, Dewsbury*' by Abbeydale dated 16th June 2005 (ref: PJJ/324001let1)
- Phase I & II Geo-Environmental Assessment by Environmental Protection Strategies Ltd, dated 16th November 2021 (ref: UK21.5618)
- Phase I & II Geo-Environmental Assessment by Environmental Protection Strategies Ltd, dated 2nd January 2022 (ref: UK21.5618 – Issue 2)

In recent responses the EHO has confirmed that the Phase I & II Geo-Environmental Assessment by Environmental Protection Strategies Ltd, dated 2nd January 2022 (ref: UK21.5618 – Issue 2) are inadequate due to a lack of information. Further sporadic information has been submitted but remains unacceptable for purposes of dealing with land contamination.

A letter from EPS dated 31st March 2022 (ref: UK21.5618) has been received. The letter provides further justification to support the upgrade to CS2 gas protection measures satisfies this aspect of contamination.

Taking into account the additional information and outstanding concerns the recommendations are revised and now relate to the submission of a remediation strategy and the subsequent phases of development, pre-commencement conditions are imposed and have been agreed to by the applicant.

Noise

Due to the location of the site concerns were raised with regards to noise mitigation. The applicant has submitted an Assessment of Noise Climate at Plots 16 - 18 Hebble Court authored by Acoustic Tests dated 21 October 2021 Ref APF/C/AFA769.

Further information has been submitted in order to address concerns and to ensure adequate mitigation measures can be incorporated to prevent a loss of amenity to any future occupants. Additional information and explanation has been provided and considered by Environmental Health Officers, however concerns remain. As such a condition is required to avoid any issues relating to noise nuisance. This has been agreed by the applicant.

Canal & River Trust

The site is located adjacent to the Calder & Hebble Navigation and as such the impact of the development has been assessed in respect of this relationship. Through consultation with the trust there are no objections to the development. It is noted that there are no objections subject to a footnote.

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.

Due to the nature of the scheme, it is considered that the requirement for electric vehicle charging points for each dwelling should be provided to aid in the contribution to climate change. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Policy LP30 of the Local Plan confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required to result in no significance loss or harm to biodiversity as well as providing biodiversity net gain.

The application has been discussed with the KC Biodiversity Officer. Subject to conditions requiring the inclusion of bat and bird boxes matters of biodiversity net gain would be addressed.

Subject to these measures the proposal will accord with LP30 of the Kirklees Local Plan and Policies within Chapter 15 of the NPPF.

Permitted Development Rights

As outlined above, given the proximity of the proposed dwellings to existing and neighbouring properties and the restricted size of the site it is considered necessary and reasonable to remove permitted development rights for extensions to the proposed dwelling as well as outbuildings within the residential curtilage.

There are no other matters for consideration.

6. Representations

- Lack of parking

Response: The application has been assessed by KC Highways DM and the provision for parking is considered acceptable for the scale of the units and development.

- Lack of turning

Response: The application has been assessed by KC Highways DM and an amended plan submitted showing turning.

- No visibility

Response: The application has been assessed by KC Highways DM and the road layout and visibility considered acceptable.

- Road safety

Response: The application has been assessed by KC Highways DM and the details considered acceptable..

7 - 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: 2020/93742

Officer Recommendation: Approve.

Conditions & Reasons:

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

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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 Policy LP24 of the Kirklees Local Plan.

3. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

4. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (Condition 3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

5. 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 have been completed for the site 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

6. Before construction commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information -
 - Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
 - The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
 - The ventilation Scheme must demonstrate how habitable rooms of the development shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. The dwellings hereby approved shall not be occupied until all areas indicated to be private drives and turning areas on Drawing No. 15.1556.52B are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: To avoid the need for vehicles to reverse on to or from the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

8. Prior to the development being brought into use the areas to be used by vehicles and/or pedestrians shall have been surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP21 and LP28 of the Kirklees Local Plan.

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

Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: To prevent further development of the site, which could materially harm the visual amenity of the site and the amenity of neighbouring occupiers, to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the north eastern and south western side elevations, and south east front elevations of the dwellings hereby approved.

Reason: So as not to detract from the amenities of neighbouring properties by loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

12. Before any of the hereby approved dwellings are first occupied, one electric vehicle recharging point shall be installed within the dedicated parking area of each dwelling hereby approved. 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 vehicle charging point so installed shall thereafter be retained.

Reason: In the interests of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

13. Each new dwelling shall include a nest box suitable for house sparrow (Schwegler 1SP sparrow terrace, or similar) installed integral to the northeast (rear) elevation at a height of at least 3 metres and not directly above doors or windows during the period of construction. Thereafter the boxes shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Notwithstanding the approved plans and information 3 new bat tubes similar to the Schwegler type 1FR bat boxes, at suitable locations integral to the new buildings on the south western (front) elevation at least 3 metres above ground and not directly above doors or windows, shall be installed during the period of construction. Thereafter the bat tubes shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE:

All contamination reports shall be prepared in accordance with guidance in:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE:

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE:

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

NOTE:

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance

including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The applicant/developer is advised to contact the Trust's Works Engineering Team on 0303 040 4040 or Enquiries.

TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained. Further information on this matter can be found at <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>

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

NOTE: A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). a 32A (7kW) is however more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all application electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site plan & location Plan	15.1556.50C		29 th June 2021
Proposed site plan	15.1556.52B		29 th June 2021
Plans & Elevations House Type 7	15.1556.51A		5 th November 2020
Plans & Elevations House	15.1556.53		29 th June 2021

Type 8			
Coal Mining Risk Assessment	Geoinvestigate Ltd G204411		27 th November 2020
Drilling Investigation	<i>Drilling Investigation at Slaithewaite Road, Thornhill Lees, Dewsbury</i> by Abbeydale dated 16 th June 2005	ref: PJJL/324001let1	27 th November 2020
Phase I & II Geo-Environmental Assessment	Environmental Protection Strategies Ltd, dated 2 nd January 2022	ref: UK21.5618	16 th November 2021
Phase I & II Geo-Environmental Assessment	Environmental Protection Strategies Ltd, dated 2 nd January 2022	ref: UK21.5618 – Issue 2	6 th January 2022
Gas Protection Measures	EPS dated 31 st March 2022 (ref: UK21.5618)		13 th April 2022
Design & Access Statement			5 th November 2020
Drilling Investigation	Abbeydale		21 st July 2021
Rotary Borehole	Geoinvestigate	G21332	24 th September 2021
Noise Report	Rj166901.doc		5 th July 2021
Noise Report	APF/C/AFA769		21 st October 2021
Noise Assessment Acoustic barrier			13 th April 2022
Fencing	Jacksons Fencing		13 th April 2022
Ventilation Plan	Section plan		8 th August 2022
Ventilation Plan	Rega Vent		31 st August 2022
Ventilation	PRANA recuperators		13 th April 2022
Ventilation	Viroe ventilation & heat recovery		13 th April 2022
Electric Vehicle Charging	Easee One Product Sheet		6 th April 2022

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information to avoid pre-commencement conditions in respect of land contamination and noise mitigate were submitted over the course of a year. The information was not considered acceptable to avoid conditions and the applicant agreed to determination with outstanding matters being conditioned.

Report Dated: 13th October 2022