

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2022/70/92273/W
Site Address:	Abinger Farm, Scholes Moor Road, Scholes, Holmfirth, HD9 1RU
Description:	Variation condition 2 (plans) on previous permission 2020/92495 for conversion of agricultural buildings to form 5 dwellings with associated works
Recommending Officer:	Katie Chew

DECISION – Approve Variation of Condition 2

**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.**

Stuart Howden

AUTHORISED OFFICER

Date: 05-Sep-2022

Site Description

Abinger Farm, Scholes Moor Road, Scholes, Holmfirth, HD9 1RU

The application site comprises of recently converted and extended agricultural barns, which are now occupied as 5 residential properties. The dwellings benefit from off-street parking to the front, with small garden/amenity areas to both the front and rear.

The dwellings are constructed from natural stone with stone slate roof tiles.

The site is not located within a Conservation Area, and there are no Listed Buildings within close proximity to the site.

Description of Proposal

The application seeks planning permission for the variation of condition 2 (plans) on previous permission 2020/92495 for conversion of agricultural buildings to form 5 dwellings with associated works.

Condition 2 of application 2020/92495 states the following:

'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, to protect the openness and character of the Green Belt and to accord with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.'*

The proposed alterations include an increase in the number and location of rooflights provided within the roof on the north and southern elevations of the dwellings. There is also a variation with respect to the size, design and number of windows/doors provided within the dwelling houses. On the south elevation the previously approved chimney has been removed, along with amended entrances into the gardens to the rear. Additional parking space and hardstanding has been provided to the front of plot 1, with an amended parking area provided for plot 5. Alterations have also been made to the northern boundary whereby a strip of hardstanding is provided for the provision of bin stores.

Officer note: Amendments to the boundary treatments have all been assessed under application ref: 2022/91696.

History of negotiations/amendments received

Amended plans were submitted by the agent in the initial stages of the application as an incorrect number of rooflights had been shown on the

originally submitted plan. Furthermore, officers sought alterations to the submitted plans to remove the constructed storage building, which is now shown to be replaced with grass. In addition, it was requested that the applicant reinstate the grass verge along the northern boundary of the site and provide visitor parking on plan as previously approved.

Relevant Planning History

2022/91696 – Discharge condition 7 (boundaries) on previous permission 2020/92495 for conversion of agricultural buildings to form 5 dwellings with associated works. Approved 16th June 2022.

2020/92495 – Conversion of agricultural buildings to form 5 no. new dwellings with associated works. Approved 27th November 2020.

2015/91505 – Conversion of agricultural buildings (including barns and former residential uses) to form 4 no. dwellings, including partial demolition, internal and external alterations. Approved 5th October 2015.

Representations

Final publicity date expires:

Neighbour Letters – Expired 15th August 2022.

Press Notice – Expired 19th August 2022.

No representations have been received to date.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we only need to publicise this application via neighbour notification letters. However, a press notice was issued in error therefore details of both neighbour letters and press notice are outlined above. Whilst it is acknowledged that amended plans have been received throughout the lifetime of this application, the changes proposed are minimal and are not considered to impact negatively on any adjacent neighbouring properties or Green Bel, therefore the proposals have not been re-advertised in this instance.

Consultation Responses

No technical consultations required.

Local Ward Members

N/A.

Parish/Town Council Comments

Holme Valley Parish Council – No observation. Defer to Kirklees officers.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within the Green Belt, Holme Valley Neighbourhood Plan Area and there is also a bat alert area to the east of the site.

Kirklees Local Plan (LP):

- **LP1 – Achieving 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 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**
- **LP58 – Garden Extensions**
- **LP60 – Re-use and Conversion of Buildings**

Other Guidance Documents:

- Housebuilders Design Guide SPD (2021)
- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

Policy 11: Improving Transport, Accessibility and Local Infrastructure

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

It is important to note that the application site is within Landscape Character Area 3, this being the ‘Hade Edge Upland Pastures’.

Key characteristics of the area include; the open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whames and Holme Styes. Stone boundary walls are common features creating a strong sense of visual unity. In addition, a network of Public Rights of Way follow local lanes or field boundaries.

Key built characteristics of the area include dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape. Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road/Penistone Road. Vernacular building materials include millstone grit in properties and boundary walls.

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

ASSESSMENT

1 – Principle of Development:

Section 73 of the Town and Country Planning Act 1990 allows for the variation or removal of a condition of a previous permission.

The principle of development for the conversion of agricultural buildings to form 5 new dwellings was established under permission 2020/92495. As such, it is considered that the principle of development remains established by the way of the previous application. This assessment will therefore deal with the merits of the proposed variations.

2 – Impact on Green Belt and Visual Amenity:

The site is allocated as Green Belt in the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph 149 or 150 of the NPPF

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The application seeks to vary condition 2 relating to the approved plans and specifications. Alterations include the changes to the number, style and location of windows and rooflights previously approved. On the east elevation of Plot 5 there is to be 1 additional window and a change in the design of windows at ground floor level. To the rear of plots 1-5 there are also changes to the design, size and style of the windows previously approved, with 2 new additional rooflights built into the roof of Plot 1. A chimney has also been removed from Plot 5. To the front further alterations to the windows have been made, with 5 new roof lights installed and a variation of the size, layout and number of windows previously approved also shown.

At present the site has been built out not in accordance with the previously approved plans hence the requirement for this Section 73 application.

It is noted that the previous development was approved on the basis of very special circumstances outweighing the harm identified to the Green Belt by virtue of the development constituting inappropriate development in the Green Belt. It therefore needs to be assessed as to whether greater harm to the Green Belt is caused compared to the approved scheme, and if so, whether there are very special circumstances to outweigh such harm.

The site was previously approved to have a large expanse of planting and landscaping to the front of the site to ensure that the access to the site did not appear overly domestic or urbanised. However, the proposals were subsequently built out with a considerably reduced landscaped area which was replaced with a significant amount of tarmac and bound resin. The submitted plans show the proposals reverting back to be more in line with the previously approved scheme. This is supported by officers and is considered to retain a relatively similar amount of openness of Green Belt compared to the already approved scheme.

Whilst it is acknowledged that there have been numerous changes to the windows/doors installed at the properties, along with changes to the internal layout of the site and access to the rear gardens, these additions and changes in design are not considered to detract from the character and appearance of the area or have a greater impact upon the openness of the Green Belt than the approved scheme.

Given the above, the proposal is not considered to have a greater impact upon the Green Belt than approved, and would prevent detrimental harm to

the visual amenities of the locality and therefore would still be in accordance with Policies LP1, LP2, LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Plan, Chapters 12 and 13 of the National Planning Policy Framework and guidance contained within the Housebuilders Design Guide SPD.

Officer note: It is acknowledged that a storage building has been constructed to the front of Plot 1. This storage building has been removed from the submitted plans as it is not deemed to be acceptable in this location and would detract from the openness of the Green Belt. Officers have discussed this change with the Planning Enforcement team who have contacted the applicant's agent to confirm a timeframe for the removal of this storage building, this is to be dealt with outside of this planning application.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states 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.

The amendments which are most likely to impact on residential amenity are the installation of additional windows/roof lights within the front and rear elevations of the dwellings. Abinger is located to the north of the site approximately 32m away, therefore there are no concerns in respect to overlooking.

No. 2 Scholes Moor Road is located to the south approximately 19.4m away, and whilst the increase in glazing to the rear will increase the opportunities for overlooking no. 2, given that the side elevation of this neighbouring property contains no windows, there is screening which arises from the existing stone retaining wall, stone boundary wall and timber fencing, and the large separation distance, this increase and change in window location is not considered to significantly detract from this neighbouring properties residential amenity more so than what was previously approved under application 2020/92495.

The private amenity space for the occupiers of the proposed units would be largely similar to as previously approved therefore the properties are still considered to provide a good standard of amenity for occupiers of these units, in accordance with Principles 16 and 17 of the Housebuilders Design Guide SPD.

Given the above, it is considered that the proposal complies with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and Principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.

Policy 11 of the HVLP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. In this instance, parking was previously approved under application ref: 2020/92495 to be to the front of the properties. No changes are proposed to the location of the parking apart from Plot 5 although this is to have a similar quantum of parking as approved, and it is noted that 1 additional off-street parking space has been provided for plot 1. The amendments are deemed to be appropriate in this instance and to accord with Principle 12 of the SPD.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. In this instance suitable bin collection points are shown along the northern boundary of the site and are deemed to meet the requirements of Principle 19.

Given the above, it is therefore concluded 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, principles 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

5 – Other Matters:

With regard to other matters that were assessed as part of the previous planning permission – climate change, biodiversity and drainage, the proposal is unchanged in relation to these aspects and any conditions imposed in regard to these matters to make the development acceptable will be repeated as part of this application.

6 – Conditions Review:

As the application is a Section 73 application to vary conditions, it is necessary to re-impose all conditions which remain relevant.

The application form states that the development commenced on 01/02/2021, therefore condition 1 has been removed. Whilst the plans have been updated within the plans table to reflect the amendments applied for, the wording of condition 2 will remain unchanged.

In addition, the original conditions have been reviewed and updated to reflect the previous discharge of conditions application which has been approved for the site as well as reflect any amended plans under this application. There are no further conditions required.

7 – Conclusion:

The proposal is a Section 73 Variation of Condition application to vary Condition 2 (development in accordance with the approved plans). This amendment is required to accommodate some minor changes to the installed windows and doors within the dwelling houses, external alterations e.g., access to garden areas and the removal of a chimney, alongside additional parking which has been provided to plot 1, and an amended parking area provided for plot 5. Finally, alterations have also been made to the northern boundary whereby a strip of hardstanding is provided for the provision of bin stores. As set out above the local planning authority must only consider the 'disputed' condition that is the subject of the application. As such, it is a consideration of Condition 2 only. As detailed within the report, given the minor modifications that are sought by this proposal, which is reflected in the plan numbers associated with Condition 2, the minor variation is considered acceptable.

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. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development and it is recommended for approval.

Recommendation: Approve.

Decision Authorisation: Delegated Powers

Application Number: 2022/92273

Officer Recommendation: Grant Variation of Condition 2.

Conditions and Reasons:

1. 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, to protect the openness and character of the Green Belt and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP51 LP57, LP58, and LP60 of the Kirklees Local Plan, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Principles 2, 4, 5, 6, 9, 12, 13, 14, 15, 16, 17 and 19 of the Council's adopted Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework.

2. The external walls of the hereby approved development including any to rebuilt and those of the extension shall be constructed from natural stone which shall in all respects match those used in the construction of the existing original barn building.

Reason: In the interests of visual amenity to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Parish Council Neighbourhood Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

3. The roof of the hereby approved development shall be covered in natural stone slates, such roofing materials shall be retained thereafter. If such materials cannot be used, details of the roofing materials for these properties shall be submitted to and approved in writing by the Local Planning Authority, the approved materials shall thereafter be used and retained.

Reason: In the interests of visual amenity, to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Parish Council Neighbourhood Development Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

4. The domestic curtilage to the hereby approved dwellings shall be limited to the areas outlined on the hereby approved site layout plan Dwg. No. 1993 16 Rev C, received 26th August 2022

Reason: In the interests of protecting the openness and character of the Green Belt and to avoid encroachment into the open countryside in accordance with Chapter 13 of the National Planning Policy Framework.

5. All ecological measures cited as recommendations in Section 6.3 of the approved Bat Survey Report dated 15th June 2020, Document Ref: MBE/BAT/2020/35/1 (pursuant to planning permission 2020/92495)) shall be implemented in full prior to the first occupation of any the hereby approved dwellings and all features created will be retained thereafter.

Reason: To ensure a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, Principle 9 of the Council's adopted Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

6. Each dwelling hereby approved shall not be brought into use until the installation of boundary treatments to that property has been carried out in accordance with approved plans '16' Rev A & '17' Rev A, both received on 13th June 2022, approved under application 2022/91696, granted 16th June 2022 (to satisfy/discharge condition 7 (boundary treatments) imposed on previous permission 2020/92495 granted 27th November 2020). Once installed such boundary treatments shall thereafter be retained.

Reason: In the interests of visual amenity, to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Principle 2 of the Council's adopted Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 13 of the National Planning Policy Framework.

7. Notwithstanding the approved plans, all roof lights as shown on Dwg. No. 1998 08 Rev D shall be of a 'conservation' style with central glazing bar designed to fit flush to the plane of the roof. Such rooflights shall thereafter retained.

Reason: In the interests of visual amenity, to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2 and 14 of the Council's adopted Housebuilders Design Guide SPD and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

8. Prior to the development being brought into use, the hereby approved vehicle parking and access areas shall be marked out and provided and surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter.

Reason: In the interests of highway safety, to achieve a satisfactory layout and ensuing appropriate treatment of surface water and to accord with Policies LP21 and LP28 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied until sightlines of 2m x site frontage along Scholes Moor Road have been cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction thereafter.

Reason: To ensure adequate visibility in the interests of highway safety and accord with Policy LP21 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework

10. Before the occupation of each of the hereby approved dwellings, 1 electric vehicle recharging point shall be installed within each of the dedicated parking spaces which serve each of the dwellings. In total 5 will be provided at the site on completion of the development. 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 points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and Principle 18 of the Council's adopted Housebuilders Design Guide SPD.

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 development included within Classes A, B, D, E and F of Part 1 of Schedule 2 to that Order, and Part 2 Class A 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 protect the openness and character of the Green Belt and prevent overdevelopment of the site and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Chapters 12 and 13 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principle 2 of the Council's adopted Housebuilders Design Guide SPD.

12. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of

any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land Report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours Saturdays

With no noisy activities on Sundays or Public Holidays

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

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
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Proposed Elevations	08	D	21 st July 2022
Proposed Site Plan with Boundaries	16	C	26 th August 2022
Design and Access Statement by Northern Design Partnership dated June 2022	-	-	6 th July 2022
Approved under app ref: 2022/91696			
Proposed Site Plan with Boundaries	16	A	13 th June 2022
Proposed Fence on Top of Retaining Wall Drawing	17	A	13 th June 2022
Photographic Evidence – Supporting Information	-	-	23 rd May 2022
Approved under app ref: 2020/92495			
Existing Site Plan	01	-	4 th August 2020
Existing Ground Floor Plan	02	A	16 th October 2020
Existing First Floor Plan	03	A	10 th November 2020
Existing Elevations	04	-	4 th August 2020
Existing and Proposed Plan Footprints	05	A	26 th November 2020
Proposed Plans	07	A	25 th November 2020
Site Location Plan	-	-	26 th November 2020
Design and Access Statement – Supporting Information	-	-	4 th August 2020
Bat Survey – Supporting Information	-	-	10 th August 2020
Structural Inspection Report – Supporting Information	-	-	10 th August 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were submitted by the agent in the initial stages of the application as an incorrect number of rooflights had been shown on the originally submitted plan. Furthermore, officers sought alterations to the submitted plans to remove the constructed storage building, which is now shown to be replaced with grass. In addition, it was requested that the applicant reinstate the grass verge along the northern boundary of the site and provide visitor parking on plan as previously approved.

Report Dated: 05/09/2022