

**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:	2022/62/93245/W
Site Address:	adj, Marsh Conservative Club, Abb Street, Marsh, Huddersfield, HD1 4PB
Description:	Erection of two semi-detached dwellings
Recommending Officer:	Luke Walstow

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.

John Holmes

AUTHORISED OFFICER

Date: 19th April 2023

OFFICER REPORT

Application Reference: 2022/93245

Site: adj, Marsh Conservative Club, Abb Street, Marsh, Huddersfield, HD1 4PB

Site Description

The application site relates to a plot of land which previously was occupied by a workshop. The site is now largely compromised by overgrown grass. The site is currently accessed by Abbs Street and is surrounded by a small road which runs along the site boundary and along neighbouring rear gardens. The local area consists of predominantly terraced houses constructed from stone. The Marsh Conservative Club is a public used building located directly North.

The site is not in a conservation area or the green belt and there are no listed buildings within close proximity to the site.

Description of Development

The applicant is seeking planning permission for erection of two semi-detached dwellings.

The proposed dwellings each have a length of 9 metres, a width of 5 metres, 5 metres to the eaves and 8.5 metres in total height.

The proposed dwellings would be two storeys in height and constructed from natural coursed stone with a grey concrete tiled roof. Both dwellings would have UPVC windows. Each dwelling would have two bedrooms an enclosed rear garden and off-street parking located to the front of the dwelling. The off-street parking will include electric vehicle charging points for each dwelling. Bin storage would be located within the garden and collected at the front of the dwellings. Access to the rear garden is gained by an entrance located to the side of each dwelling.

History of negotiations/amendments sought

Amendments to plans to show bin collection were sought due to highway concerns and provided on 06 January 2023.

Planning History

2015/93638. Outline application for erection of residential development and demolition of existing workshop. *Conditional Outline Permission – 02/06/2016*

2019/91609. Outline application for erection of residential development. *Conditional Outline Permission – 10/07/2019.*

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 16th December 2023- no representations received.

Consultation Responses

KC Ecology – No Objection subject to condition

KC Environmental Health – No Objection subject to condition

KC Highways – No Objection

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 site is unallocated in the adopted Kirklees Local Plan

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP3** – Location of Development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- **Chapter 2** – Achieving Sustainable Development

- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
Housebuilders Design Guide SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (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 National Planning Policy Framework. Policy LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The site is approx 287m² which provides a housing density of approximately 40 dwellings per hectare. The site, is considered to be previously developed land where redevelopment is sought to take place.

Policy LP11 of the Kirklees Local Plan requires that All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. 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.

In this case, the principle of the development of two dwellings could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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.

Policy 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...”

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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.”*
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Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. 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 application site is set within a predominantly residential area with the majority of dwellings being terraced. The proposed scale and design of the dwellings is considered to be acceptable within the site context. The proposal

would have a more attractive appearance than the current vacant land. The dwellings would be similar in height to the surrounding dwellings and would not be a dominant feature within the local street scene. Furthermore, the dwellings are proposed to be constructed from coursed stone with a grey concrete slated roof which would match the local characteristics of the area. The dwellings would not have a significant footprint and overall be an acceptable addition to the local area.

Whilst the frontage of the dwellings would be dominated by parking, there is scope for some level of soft landscaping to the front amenity space and it is considered that, given the nature of the locality with the streets dominated by on street parking, this element of the proposal is considered to be acceptable in this case given there would be a mix of parking and areas which could be soft landscaped.

Conditions will be inserted to the decision notice for the application relating to boundary treatment, floor levels and construction materials. These will be added as pre-commencement conditions to ensure the development is undertaken in a visually acceptable manner in keeping with the character of the local area and to comply with policies within the Kirklees Local Plan, the councils adopted Housebuilder Design Guide SPD and policies with the NPPF

For the reasons outlined above, the proposed dwelling is considered to be appropriate from a visual amenity perspective and the proposal is considered to be acceptable having regard to the aforementioned policies.

3 – Impact on residential amenity

Section B and C of LP24 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 users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking.

Marsh Conservative Club is a large detached public building located to the North of the application site. There are two windows proposed on the northern elevation of the northern dwelling, which would be on the boundary of the Conservative Club. These serve as a secondary window to a living room at ground floor and bathroom window at first floor. On the basis adequate screening is in place to the boundary, which could be secured by condition, it is considered these openings would not lead to an unacceptable level of overlooking occurring.

2 to 6 Colwyn Street are terraced dwellings located to the rear of the proposed dwellings to the West. There would be over 21m distance between the rear elevations of these dwellings and the proposed dwellings. This is considered to be an acceptable distance to not harm these neighbours' residential amenity in relation to privacy, outlook and overbearing.

12 to 22 Syringa Street are terraced houses located to the south of the application site. There would be a separation distance of 11.1m at the closest point between the rearmost point of these dwellings and the side of the proposal. A road is between the boundaries. This facing elevation of the proposed dwellings will have two small windows on ground and first floor levels. This distance is considered to be acceptable in this case given the orientation of the dwellings in relation to the proposal and on the basis adequate screening is in place to prevent overlooking from the ground floor secondary window serving a living room. As such the proposal is considered to have an acceptable impact on privacy, being overbearing and not significantly impacting upon the outlook of nos 12 – 22.

In terms of the standard of amenity for future occupiers of the proposed dwellings, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* It is considered the internal space provided for both dwellings would be adequate as it would exceed the minimum required GIA for 2 bedroom 2 storey dwellings as set out in the Nationally Described Space Standards.

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."* The private rear gardens are considered to provide a good standard of amenity for future occupiers given their size.

It is therefore considered that the proposal would not cause detrimental harm to the residential amenities of existing and future occupiers of the proposed dwellings or neighbouring dwellings. The proposal is therefore in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek

to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

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.”

KC Highways were consulted on the application and stated given the previous approval from Highways Development Management on application 2019/91609, they have no objection in principle. They did raise concerns over access to the northern parking space of plot 2, saying it may be difficult to manoeuvre and turn into the space. The agent provided photos of the site and where the space parking space would be, which resulted in the highways team stating the verge needs to be tarmacked to allow access into the parking space.

Whilst utilising the northernmost parking space could potentially see use of a grass verge area to the north east of the site it is considered that the access would be gained over an area which is already tarmac and whilst some manoeuvring would be required, it is considered possible to access this space without utilising this verge area. Furthermore, given this space is to the northernmost part of a cul de sac, it is considered manoeuvres being performed to access this space would not significantly impact on the operation of the highway. As such it is not considered necessary to include a condition requiring the verge outside of the site to be hard surfaced.

KC Highways also asked for evidence in how bins would be presented on collection day without obstructing the highway or proposed driveways. This was shown on an amended plan submitted by the agent, in which highways were satisfied.

Subject to the addition of conditions relating to the tarmac verges, the proposed development is therefore considered to be in compliance with policy LP21 and LP24 of the Kirklees Local Plan.

5 – Other matters/Climate Change

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 predates 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

It is considered that the proposal would have a small scale impact during construction and use. It is considered small scale mitigation to encourage use of electric vehicles could be incorporated as part of the proposal through the inclusion of an appropriately worded condition. Subject to condition the proposal is considered to be acceptable having regard to climate change.

Contaminated Land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The application site falls within contaminated land layer on the councils GIS software. KC environmental health were consulted who assessed a Phase 1 report submitted by the applicant in relation to the contaminated land. Environmental Health did not object to the proposals on contaminated land ground subject to conditions being applied to any given consent.

It is therefore considered that, having regard to the response of the Environmental Health Team and detail submitted, subject to inclusion of the recommended conditions, the proposal is acceptable in terms of impact upon land quality.

Noise

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'Proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local

Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

KC Environmental Health requested a noise assessment be submitted due to the proximity of the application site to the Marsh Conservative Club. A Noise Assessment (NIA-10723-23-10820) was submitted by the agent which provides information on noise analysis and monitoring which was conducted on 4 January 2023, in which KC Environmental Health were in agreement with the findings and confirmed they did not have any objection to the proposal in relation to noise impact.

In addition the Environmental Health Team recommend that a condition restricting noisy construction related works to times of the week / day which are acceptable. It is recommended this is included upon any grant of planning permission.

It is therefore considered that, in relation to noise / impact as a result of the use of the adjoining site the proposal would not have a significant impact and it would be unreasonable of the LPA to refuse permission on this basis taking account of the submitted detail and response of the Environmental Health Team.

Ecology

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Councils Ecology Team have been consulted regarding the proposal, stating that they do not consider the site likely to host or provide suitable habitat for notable species. They do recommend any grant of permission is subject to condition requiring a biodiversity scheme to be submitted to the LPA for written approval.

Taking account of the nature of the site and the response of the Ecology Team it is considered that subject to condition, the proposal would have an acceptable impact in accordance with the aforementioned policies.

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2022/93245

Officer Recommendation: Conditional Full Permission

Conditions

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 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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, principles 4, 6, 7, 9, 13, 14, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. No development shall commence until a scheme detailing biodiversity enhancement (including bird and bat roost opportunities within the development) has been submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwellings hereby approved, or in accordance with a timetable to be agreed with the Local Planning Authority, and thereafter retained.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan, principles 7 and 9 of the Housebuilders Design Guide SPD and policies within part 15 of the National Planning Policy Framework.

4. 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) by a suitably competent person has been submitted to and 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. 183 and 184 of the National Planning Policy Framework

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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. 183 and 184 of the National Planning Policy Framework

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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. 183 and 184 of the National Planning Policy Framework

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all 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. 183 and 184 of the National Planning Policy Framework

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 Verification 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. 183 and 184 of the National Planning Policy Framework

9. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained thereafter.

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, principle 18 of the Housebuilders Design Guide SPD and policies within Chapters 2, 9 and 15 of the National Planning Policy Framework.

10. Noisy construction related activities shall not take place outside the hours of

07.30 to 18.30 Monday to Friday, 08.00 to 13.00 hours on Saturday and no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

11. Development above slab/foundation level shall not commence until details of all external facing and roofing materials have been left on site for the inspection and approval in writing of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

12. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

13. Development shall not commence until a scheme detailing the finished slab and floor levels of the dwellings hereby approved together with corresponding existing and finished ground levels related to Ordnance Datum or an identifiable temporary datum has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwellings shall thereafter be carried out in accordance with the details so approved before the dwelling is first occupied and retained.

Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework. This is a pre-

commencement condition to ensure the ensuing development is undertaken in the interests of residential amenity of adjacent land and buildings and visual amenity.

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: Charging points for single residential properties should meet the requirements specified in the latest version of 'Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)' by the Office of Low Emission Vehicles. Cable and Circuitry ratings for the charging points of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps that can provide Mode 3 Charging and has a type 2 socket would be acceptable

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site Layout	22D18-FBA-ZZ-XX-DR-A-0700	P03	06 January 2023
Proposed Plans and Elevations	22D18-FBA-ZZ-XX-DR-A-0701	P01	03 October 2023
Design and Access Statement	-	-	03 October 2023
Phase 1: Desktop Study and Coal Mining Risk Assessment Report	-	-	03 October 2023
Noise impact Assessment	NIA-10723-23-10820		30 January 2023

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 was submitted to address noise.

Report Dated: 19/04/2023

Coal - Low