

**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:	2023/62/90922/E
Site Address:	adj, Fieldhead, 7, Town Gate, Scholes, Cleckheaton, BD19 6ET
Description:	Erection of detached dwelling with detached garage
Recommending Officer:	Edward Cheseldine

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 8-OCT-2024

Officer Report

2023/90922 - adj, Fieldhead, 7, Town Gate, Scholes, Cleckheaton, BD19 6ET

Site Description

7 Town Gate is a single-storey, detached dwelling in Cleckheaton. The building is formed of brick exterior walls with a pitched roof clad in concrete roof tiles. It has modernist features such as large rectangular window openings and a low form. The section of development is part of the residential garden of No7, to the east of which are open fields. The site is bounded by self-seeded trees and shrubs, as well as a stone wall.

The local buildings are predominately residential dwellings. There is a mix of ages including traditional dwelling types and more modern type buildings. These include single and two-storey properties. The adjacent buildings have large residential gardens. Due to the open fields and generous residential gardens there is a sense of space within the building group.

Application Description

The application is seeking planning permission for the erection of a detached dwelling, a detached garage and the formation of a new access.

The dwelling will be 14.00m(w) x 10.50m(d) with an eaves height of ~3.90m and a ridgeline height of ~5.80m. The bulk of the building would have a rectangular footprint, with several smaller protrusions on the wings of the building. It has relatively simplistic features, the character of which derives from its external materials and pitched roof form, there is also the inclusion of flat roof dormers on the east elevation. Materials of the dwelling will be comprised of brick to match the adjacent dwelling with white render integrated within the east and west elevation. Roof slates will be natural blue slate. A 2.00m timber fence will be erected between the application dwelling and the adjacent property. A new access will be formed from Town Gate.

In addition to the new dwelling, there will be the erection of a detached garage which will be ~3.20m(w) x 6.50m(d), it will have an eaves height of 2.10, with a ridgeline height of ~3.00m. Materials for the garage will match the proposed dwelling.

The application also includes a new window opening on the south elevation of 7 Town Gate.

Relevant Planning History

Application Site

2017/90589- Outline application for erection of detached dwelling –
Conditional outline permission

2020/91029 - Reserved matters application pursuant to outline permission
2017/90589 for erection of detached dwelling – Approval of reserved matters

7 Town Gate

2017/92228 - Erection of single storey side and rear extension, demolition of
garage, raised patio and alterations to openings – Full permission granted

2017/93435 - Erection of single storey side and rear extension, demolition of
garage, erection of raised patio and alterations – Full permission granted

Amendments / Negotiations

None necessary.

Public Representation

The application was advertised by neighbourhood notification letters, a site
notice and a press notice.

Neighbourhood notification letters expiry: 30-May-2023

Site notice expiry: 30-May-2023

Press notice expiry: 02-Jun-2023

As a result of the publicity, there were two representations. Comments are as
follows:

- We object to the proposed new lounge window of the existing property as it will look directly into our windows
- What will happen to the tree which is directly in front of the proposed new window
- We strongly object to the above unnecessary repositioning of window on the grounds of intrusion of privacy.
- Due to the elevated position of this property the window would give the occupants direct and uninterrupted view into our lounge

- Very little consideration over the last approximately 2 years has been given throughout all works being performed at this property i.e. very untidy and rubbish strewn site, now very overgrown,
- We also now have worries re the new build as to what consideration we will be given during construction, time scale, tidiness, dirt etc.

These comments will be assessed throughout the report within the *Assessment* section of the report, with a summary of comments in the *Representations* section of the report.

Consultation Responses

KC Highways – No objection

KC Environmental Health – No objection, subject to conditions

The Coal Authority - No objection

Policy & Legislation

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

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, 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 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful 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 Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Government Net Gain Technical Advice Note.
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental issues
- 5) Other matters
- 6) Representations
- 7) Conclusion

1- Principle of 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 assessed.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but

this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Residential development at the site could be acceptable in principle. One dwelling is proposed in this instance which is considered acceptable. Any further development of buildings and hardstanding may compromise the green character of the area and the sense of space between the buildings.

The impact of the dwelling on the amenity of users of the adjacent Public Right of Way footpath is considered acceptable, due to the appropriate scale that is proposed.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2- Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 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, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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.”*

The local character takes its identity from the sense of space and layout of the residential dwellings. There is no defined spatial pattern and or definition of the building group. The application dwelling should be respectful of the single-storey form of 7 Town Gate and the dwellings opposite.

The application dwelling will host a smaller footprint than the neighbouring dwelling. It will be 1.5 storey in height with a low-pitched roof form which is suitable to the surrounding built environment. In terms of positioning, the proposed dwelling will sit behind the adjacent dwelling, the ridgeline will run down the y axis which is appropriate. It is considered the placement of the dwelling is consistent with the layout of the street and is set back from the roadside, reducing its prominence. Given the open fields to the east, the scale of the dwelling will not appear out of proportion with the surrounding buildings.

The property will host a front and rear garden. Hardstanding tarmac will be introduced to the front and side of the dwelling. In terms of its visual impact, the large tree which is being retained and a section of garden to the front of the property will soften the appearance of the site from the roadside. There is a sufficient buffer space, made up of residential garden space between other dwellings on Temperance Fields. The garage is set back behind the dwelling away from the public sphere.

Principle 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

In terms of materials, there is a mixture of stone and red-brick in the area. The materials are similar to the adjacent building which will harmonise the dwelling's appearance. Natural blue slates will be clad on the roof which acknowledge the traditional building group in the area. The use of render is considered to break up the appearance of the red-brick.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The front elevation will contain an entrance door opening and windows on the ground and first-floor. Other modernist properties on the street have simplistic features on the street facing elevation. It is not considered the openings on the property will negatively harm the streetscene.

Parking is to the front and side of the property, which will be screened by the retention of an existing mature tree therefore preserving the street's character.

The plans indicate a 2.0m timber fence will be erected between the application property and 7 Town Gate. The fencing is often found within residential settings, it will provide a clear separation between the two sites, as well as privacy.

In terms of the window alteration to 7 Town Gate, the openings is respective of the size and design of the existing windows, it is therefore acceptable.

The two dwellings and alterations therefore accord with guidance set out within the House Builders Design Guide SPD and the Kirklees Local Plan.

3.0 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 135 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 layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook

and to avoid overlooking.” The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The properties that will be affected by the development will be 9 Temperance Fields and 7 Town Gate.

9 Temperance Fields

9 Temperance Fields is located ~14.00m to the north of the application dwelling. The application dwelling hosts two ground-floor windows with outlook towards No9. Currently there is a high timber fence that separates the two sites. Given the distance between the properties and the boundary treatment, it is considered there will be limited impact to privacy. The garage will be set away from the shared boundary, it will have an eaves height of ~2.20m. The pitch of the roof will be visible No.9, with the remainder of the garage set behind the fencing. The visible mass is not considered to have an overbearing impact to the neighbouring dwelling. In addition, there will not be a loss of outlook, light or an overbearing impact from the main dwelling to the residents of No9.

7 Town Gate

The proposed dwelling is separate from No7 by ~7.20m. On the west elevation, there will be two ground-floor window and two skylights. As No7 is a single-storey dwelling, the fencing will mitigate any impact to privacy from the ground-floor windows. The skylights are angle away from the property. Therefore there will be no impact to privacy. The separation distance and fencing is considered to be sufficient in allowing a flow of light into the windows of No7. There will be a loss of outlook due to the changes of the current plot, however the introduction of the secondary window on No7. will provide an outlook for parts of the dwelling. The relationship is acceptable. Again, the garage is set away from the 2.0m fence, as the pitch draws the

mass of the garage away from the boundary, its erection will not lead to an overbearing impact.

Due to distance between buildings, there are no other properties to consider as the separation distance is greater than 21.00m.

Amenity of the Proposed Occupiers

Principle 16 of the 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.”*

A property of 3 bedrooms, with 2 floors should have an internal floorspace of 102m². The proposed dwelling exceeds the minimum recommendations as set out within the Kirklees Housebuilders Design Guide SPD & *Nationally Described Space Standards* for such a dwelling.

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 proposed gardens are considered to be a good size for a dwelling of this many bedrooms, the rear outdoor area is considered to provide sufficient private outdoor amenity space.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) 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.”*

The property is a 3 bed dwelling. The Kirklees Highways Design Guide stipulates that a dwelling with 3 bedrooms should have 2 parking spaces. The

plans indicate there is enough space for three vehicles to park without obstructing the turning head, which is acceptable in terms of complying with LP21 & LP22.

Environmental Matters

Contaminated Land

The following has been received in support of the application:

- Phase I Desktop Study and Preliminary Risk Assessment Report by Geoenviron Solutions Limited, dated June 2022 (ref: 2371-22 PI).
- Phase II/ Ground Investigation and Updated Risk Assessment report by Geoenviron Solutions Limited, dated August 2022 (ref: 2371-22 PII).

The submitted reports have identified contaminated land at the site. Therefore, contaminated land conditions and footnote are necessary and will be applied to the permission granted to ensure remediation and safe occupation of the site.

Electric Vehicle Charging

The implementation of EV chargers are covered by Building regulations. It is not considered necessary to supplement the installation of these with a planning condition.

Ecology

Given the land being developed is residential curtilage, there is the retention of shrubs and trees with the planting of new shrubs and trees the requirements of wildlife habitats have been met.

Principle 9 of the Housebuilders design guide requires a biodiversity net gain, therefore it will be conditioned that a bat and bird box are installed on the dwelling.

Other Matters

PROW

There is a public right of way that is set adjacent to the site. The site has previously benefitted from outlined planning permission with agree reserved matters.

Public footpaths Spenborough 36 and 37 are adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and the email address is publicrightsofway@kirklees.gov.uk.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Residential Amenity

- We object to the proposed new lounge window of the existing property as it will look directly into our windows
- We strongly object to the above unnecessary repositioning of window on the grounds of intrusion of privacy.
- Due to the elevated position of this property the window would give the occupants direct and uninterrupted view into our lounge

The new window whilst forming a direct view towards neighbouring properties will be ~24.00m from the dwellings opposite. Policy guidance for new windows recommends a 21.00m distance between two habitable windows. The distance is therefore above recommended guidance. The new window therefore complies with national and local policy

Environmental Matters

- What will happen to the tree which is directly in front of the proposed new window

Plans indicate the mature tree in front of the proposed window of No. 7 will be retained.

With regard to the following:

- Very little consideration over the last approximately 2 years has been give throughout all works being performed at this property I.e. very untidy and rubbish strewn site, now very overgrown,
- We also now have worries re the new build as to what consideration we will be given during construction, time scale, tidiness, dirt etc.

These issues are outside the scope of the planning balance therefore minimal weight has been afforded to these comments. However, in the event that planning permission is approved, a footnote is recommended to be added to advise the applicant of the necessary duties under separate regulatory measures.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/90922

Officer Recommendation: Approve

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the west, side elevation of the dwelling at any time.

Reason: So as not to detract from the amenities of the adjacent property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees Housebuilders Design Guide SPD.

4. One bird box and one bat box shall be incorporated into the dwelling during the construction phase; the bird box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. They shall be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 478/02B 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: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

6. The approved landscaping scheme in Drawing No. 478/02B shall be implemented by the end of the first planting season following the occupation of the first unit on site. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The approved boundary treatment shall be installed prior to the occupation of each dwelling and thereafter retained.

Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity and biodiversity and to accord with the aims of Policy LP24 & LP30 of the Kirklees Local Plan.

7. 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

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Phase I Desktop Study and Preliminary Risk Assessment Report by Geoenviron Solutions Limited, dated June 2022 (ref: 2371-22 PI) or the Phase II/Ground Investigation and Updated Risk Assessment report by Geoenviron Solutions Limited, dated August 2022 (ref: 2371-22 PII) 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

9. 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.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition

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) regarding 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: 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	478/02B	-	24 April 2023
Phase I ground contamination study	2371-22 PI	-	24 April 2023
Phase II ground investigation report	GES 2371-22 PII	-	24 April 2023

Precautionary working method statement	2371-22 PMS	-	24 April 2023
Design and access statement	DAS	-	24 April 2023
Climate change statement	CCS	-	24 April 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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought.

