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:	**2023/70/91088/E**
Site Address:	59, Station Road, Skelmanthorpe, Huddersfield, HD8 9BA
Description:	Variation condition 2 (plans) on previous permission 2007/93753 for erection of 2 semi-detached dwellings with integral garages
Recommending Officer:	Katie Wilson

DECISION – VARIATION OF CONDITION APPROVED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 31-Aug-2023

THE SITE

The application site is a roughly rectangular shaped plot directly to the rear of 59 and 61, Station Road, Skelmanthorpe and on sunken ground in comparison to surrounding houses. It is access from the main road via a driveway to the southern side of 59, Station Road, and slopes gently down and away from the roadside in a northerly direction.
Within the site are a pair of semis- detached houses (subject of planning approval 2007/93753), recently constructed and nearing completion.

To the north eastern boundary are trees and shrubs; to the south western boundary are line of trees, retaining wall and fencing, with adjacent three storey block of flats and grassy area on higher ground. To the south eastern boundary is wooden fencing around 2.0m high and the backs of 59 and 61, Station Road beyond. To the north western boundary is a high retaining wall with free-standing wall on top (overall height approximately 5.0m) with another block of flats on higher ground and wider residential estate beyond.

Before development the site was additional garden space for 59 and 61, Station Road.

THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for the variation of condition 2 (plans list) on previous permission 2007/93753 which granted consent for the erection of 2 semi-detached dwellings with integral garages.

The proposed variation of condition two would see plans that amend the drainage arrangements at the site.

The application form for 2007/93753 states that water supply would be from the mains, with surface water discharged to a soak-away and foul water disposal via a packaged treatment plant.

The current proposal would see both foul and surface water draining via separate pipes to a combined pumping station beneath soft landscaping at the front of plot 2.

There would be additional surface water attenuation provided by a sub-surface cellular storage area (4m x 4m x 0.8m deep) beneath paved drive in front of plot 2. This attenuation is to control surface water discharge rates during storm events, to ensure that the flow rate is at an acceptable level when it enters the combined pumping station.

From the pumping station there would be a sub-surface pipe along the route of the access drive to the junction with Station Road where there would be a demarcation chamber and connection to the public sewer running under Station Road.

Construction works are currently being undertaken at the site with the pair of semi-detached dwellings under construction and nearing completion.

The proposal would see drawings 2779/100 rev 1 (Drainage layout), 2779/1010 rev 1 (External works), 2779/102 rev 2 (Typical driveway drainage details), and supporting information – Drainage Strategy Report dated 24.3.2023 ref: 2779/DSR001 forming the plans table for the current application.

2007/93753 approved plans, ie Location plan and dwg no 0309D–25–P02 (General arrangements as proposed) and Design & Access Statement would be retained.

Information to discharge several of the 14 conditions applied to the decision notice for planning approval 2007/93753 have been submitted and approved in the past applications and the development is well underway. The conditions are set out and discussed in section below entitled Review of conditions.

PLANNING HISTORY

The most relevant planning history for the site relates to the following:-

2003/92488 – Outline refusal for erection of two dwellings
Planning application details | Kirklees Council

2003/95199 – Outline approval for erection of two dwellings. Details of access and siting approved.
Planning application details | Kirklees Council

2007/90991 – Reserved matters application for a pair of semis. Three storeys in height. Invalid.
Planning application details | Kirklees Council

2007/93753 – Full planning approval for erection of two semi-detached dwellings with integral garages.
Planning application details | Kirklees Council

2022/90742 – Discharge of condition 3 (materials) on previous permission 2007/93753 for erection of 2 semi-detached dwellings with integral garages. Approved.
Planning application details | Kirklees Council

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as on the Council's website and by neighbour notification. The expiry date of the publicity period was the 26th May 2023.

No representations received.

CONSULTATIONS

The following consultation has been undertaken for this application with the summarised response listed below.

> Building Control – Informal consultation – no objections to the proposed drainage scheme.
>
> Denby Dale Parish Council – Refer to Kirklees officers

The above consultee is discussed in greater length within the 'Assessment' section of this report.

ALLOCATION AND POLICIES

The following allocation and policies were considered relevant to the consideration of consent 2021/91239

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 allocated is unallocated on the Kirklees Local Plan. The following Policies are therefore relevant.

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – contamination and unstable land

Supplementary Planning Documents (SPDs):

- Kirklees Highway Design Guide (Adopted)
- Kirklees Housebuilder Design Guide (Adopted)

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 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- 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

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

ASSESSMENT

This Section 73 application seeks minor material variations to the originally approved plans by adding details related to drainage of the site (ie. drawings 2779/100 rev 1 (Drainage layout), 2779/1010 rev 1 (External works), 2779/102 rev 2 (Typical driveway drainage details), and supporting information – Drainage Strategy Report dated 24.3.2023 ref: 2779/DSR001).

The additional information has come about by a change in the proposed drainage of the site.

Firstly, there needs to be some assessment of whether or not the current application is valid. This is because approximately 16 years has passed since planning permission 2007/93753 was approved (dated 30th October 2007), and a condition of that planning permission was that the development should be begun within three years of the approval. Furthermore, there are three other conditions require discharging prior to commencement. This is discussed below in section entitled validity of the current application.

Should the application be considered valid, it is considered that the key determining issue is whether or not the proposed new drainage scheme is acceptable and this is assessed below under section entitled Drainage issues.

Validity of the current application:

In this instance the Council confirmed in a letter (dated 2nd September 2011) to the applicant of the 2007/93757 approval, that Condition 1 (timescale for commencement) of the permission had been complied with, as development was implemented within 3 years of the date of issue.

This confirmatory letter was considered acceptable for the purposes of accepting that a lawful start had been made and validating a recent discharge of condition approval (ref:2022/90742) which related to condition 3 for samples of wall and roof materials. It was a pre-commencement condition.

Other pre-commencement conditions attached the original approval are as follows:

9. (Provision within site for contractors' plant, equipment and parking):

Details of the provision for parking, loading and unloading of contractors plant and equipment do not appear to have been submitted. Notwithstanding this apparent breach of condition 9, the condition itself does not go to the heart of the proposal, and at the officer site visit for the current application it was clear that the development was nearing completion, with the site secured around the perimeter, and a small temporary site office building at the entrance. The driveway access was clear, with materials stacked neatly, and plant and machinery were being operated within the site boundary.

As such, in officers' opinion this would not affect the validity of the current application and it is considered unnecessary to repeat this condition.

10. (Contaminated land phase 1 report):

A letter (dated 11th January 2010) from the Planning department to the applicants of the 2007/93753 approval, confirmed that Environmental Services had considered a submitted phase 1 report and as a result agreed to the discharge of condition 10. This appears to have been done pre-commencement and therefore does not affect the validity of the current application.

The same letter noted that the other contaminated land conditions, 11, 12, 13 and 14 could be discharged once any fill materials imported to the site have been validated. However, if no fill materials are brought into the site then these conditions can be discharged.

The agent for the current application has confirmed that no fill material was required on this development. There was a surplus of material resulting in the need to dispose off site as opposed to import fill materials.

To summarise, it is accepted that a lawful start has been made and the current application is considered valid.

As such it is considered that conditions 10, 11, 12, 13 and 14 do not need to be repeated.

3. (Sample of wall and roof materials):

Discharge of condition approval 2022/90742 dealt with condition 3. The officer's report accepted that a lawful start had been made and considered the application valid. Notwithstanding the timing of the submission post commencement, it accepted the use of TSB Old Pluckley blend facing brickwork and Cedral Thrutone Smooth Blue Black slate roof tiles, together with black UPVC windows and black externals.
At the officer site visit for the current application on 27th April 2023, the walls and roof were insitu and appeared to blend in with surrounding development successfully. As such it is considered that condition 3 has been fully discharged and does not need to be repeated.

To conclude, it is considered that the pre-commencement conditions do not affect the validity of the current proposal and a lawful start was made.

Drainage issues:

Chapter 14 of the NPPF sets out the national requirements for meeting the challenge of climate change and flooding.

Policy LP28 of the Kirklees Local Plan gives more details, specifically that sustainable Drainage Systems (SuDS) will be used to achieve appropriate surface water run off drainage for each site. It goes on to state that there is a general presumption against pumping surface water and that proposals to store water should meet national requirements. It concludes that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development.

Principle 3 (setting design parameters) of the Kirklees Housebuilders Design Guide SPD gives a reminder that flood management, drainage and design of sustainable drainage systems should be considered at the outset of the design process and agreed with the council as the lead local flood authority, and that proposals should seek to enhance the existing drainage arrangements and consider how development will impact on the surrounding community beyond the boundary.

In this instance, planning approval 2007/93753 was granted on the basis that water supply would be from the mains, with surface water discharged to soak-aways, and foul water disposal to a packaged treatment plant. The officer report did not mention drainage and the decision notice does not contain conditions relating to drainage.

The site is outside EA Flood zones 2 and 3 and also outside Flood risk SFRA zones 2, 3a, 3ai and 3b. The site is in an area of less susceptible to surface water flooding across approximately the middle third, and a smaller portion of

the area adjacent to the north eastern boundary is susceptible to shallow flooding with between 0.15 and 0.3 recorded in March 2013.

As such a flood risk assessment is not required, nor are the environment Agency required to be consulted. Given that the development is small scale Kirklees lead local flood authority are also not involved. However, the current applicant applied to Kirklees Building Control for building regulation certificates and officers from that department have been overseeing the construction, and they have reviewed the current details of the current submission.

The Drainage Strategy Report for the current proposal used the surface water drainage hierarchy set out in Chapter 14 of the NPPF. It concluded that surface water discharge to soakaways was not suitable because of the depth of Made Ground at the site, low permeability of underlying deposits and ground water inflow together with the sloping nature of the site.

Discharge to watercourses was also considered, but as the site is separated from all local watercourses by third party land, therefore this was dismissed.

The last consideration was surface water discharge to a mains sewer.

A 300mm public surface water sewer to the south of the site on Standback Way was considered but discarded because of its elevated position, therefore a pumped discharge was the final option and connection to a 225mm combined public sewer that runs in a north easterly direction down the middle of Station Road was the preferred option.

The report went on to recommend that foul water should discharge into the same combined sewer and via the packaged pump system provided for surface water.

It concludes that ‘t*he proposed development will result in hardstanding areas measuring 510m2 . The proposed hardstanding areas will result in an increase in surface water runoff rates and volumes. In order to ensure the proposed development contributes to a net reduction in flood risk to the area, flow control will be used, and attenuation provided on Site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change event.*

All methods of surface water discharge have been assessed. As soakaways are not feasible, discharge of surface water to the public combined water sewer at a rate of 3.8/s is the most practical option.

Attenuation storage will be required on Site in order to restrict surface water discharge to 3.8l/s via a pumped outfall. Attenuation can be provided within a geocellular tank located within the driveway.’

These details are shown on the submitted drainage layout plan; and drainage driveway typical details.

Building control officers have assessed this additional information and confirmed that they are happy with the proposed drainage solution. As such it is recommended that the submitted plans and report be added to the plans table of the current application.

Review of conditions

In the instance of any grant of approval of a S73 application a new consent is issued by the LPA, as such all conditions upon the original consent are required to be reviewed and where necessary re applied or amended. This section sets out a review of all conditions upon consent 2007/93753.

Condition no.1:

This condition requires the development to be begun by 29th October 2010. The application form declares that development was started on 06.07.2022. This would mean that the application condition1 was breached and the current application would be invalid.
However, in this instance there is also a letter, dated 2nd September 2011, from the Local Planning Authority (LPA) to the applicant of the 2007/93757 approval, confirming that Condition 1 of the permission had been complied with, as development was implemented within 3 years of the date of issue.

This was acceptable for the purposes of discharging condition 3 in August 2022, and so it is recommended that condition 1 be removed as the development has already begun.

Condition no.2:

This condition relates to carrying out the works in complete accordance with the approved plans and specifications, except as may be required by other conditions.

The decision notice does not have a plans table, however the approved plans and documents were as follows:

Location plan (amended 9th October 2007)
General arrangement as proposed plan – Dwg no. 0309D-25-P02
Design and Access Statement

Together with the following submitted to discharge conditions 6, 10, 11, 12, 13, and 14 of planning approval 2007/93753:
Proposed fence details attached to letter dated 4th December 2009
Contaminated land risk assessment Desk top study dated 29th October 2009 by Contamination Consultants Ltd.
A letter regarding a site walk over – dated 19th November 2009 from Soil Environment Services Ltd

It is recommended this condition is amended to refer to all the above drawings and document together with the drawings, and documents submitted for the current application listed below:

Drawing no. 2779/100 rev 1 (Drainage layout),
Drawing no. 2779/1010 rev 1 (External works),
Drawing no. 2779/102 rev 2 (Typical driveway drainage details), and
Supporting information – Drainage Strategy Report dated 24.3.2023 ref: 2779/DSR001.

Condition no.3:

This condition required a sample of facing brickwork and roofing tile to be submitted and approved in writing by the LPA prior to development commencing, and the building to be constructed with the approved details.

Discharge of condition approval 2022/90742 dealt with condition 3. The officer's report accepted that a lawful start had been made and considered the application valid. Notwithstanding the timing of the submission post commencement, it accepted the use of TSB Old Pluckley blend facing brickwork and Cedral Thrutone Smooth Blue Black slate roof tiles, together with black UPVC windows and black externals.
At the officer site visit for the current application on 27th April 2023, the walls and roof were insitu and appeared to blend in with surrounding development successfully.

As such it is considered that condition 3 has been fully discharged and does not need to be repeated.

Condition no.4

This condition removed permitted development rights for buildings and extensions within the area edged red of the approved plan (ref: 0309D-25-P02)

It is recommended that the wording is updated to reflect current regulations and policies, and the condition repeated.

Condition no.5

This condition relates to no further openings in the external walls or roof of the approved dwellings, except in accordance with details previously approved by the Local Planning Authority.

It is recommended that this is reworded to reflect current policies and regulation, then re-applied.

Condition no.6

Relates to submission of boundary treatment details to the LPA, timber boundary fencing between points marked A-B in green on the approved plan (ref: 0309D-25-P02). The approved fence to be erected before the dwellings are first occupied /brought into use and thereafter retained.

Close boarded timber fence details were supplied to the LPA in a letter dated 4th December 2009 to discharge condition 6.

A letter from the LPA to the applicant of planning approval 2007/93753 confirmed that the use of the close boarded timber fence to a height of 1.8m would be acceptable and sufficient to discharge condition 6 and that this should be constructed between the points marked A and B on the approved plan.

The approved plan does not seem to show points A and B, but the officer report mentions a condition required for boundary screen fencing to mitigate overlooking from front of plot 2 to rear of dwelling at 11, Haigh Row.

At the site visit for the current application a new close boarded fence approximately 1.8m high was in situ on boundary between rear of 59 & 61, Station Road and the application site. This would also provide some screening to 11, Haigh Row. Other boundaries such as the north eastern boundary did not appear to have been erected

It is therefore recommended that condition 6 amended to the following:

The boundary treatment information given on approved plan (ref: 0309D-25-P02) and details of close boarded timber boundary fencing confirmed as acceptable in letter dated 11th January 2010 to discharge 6 of the 2007/93753 shall be erected before the dwellings hereby approved are first occupied and thereby retained.
Reason: *So as not to detract from the amenities of the occupants of the neighbouring properties by reason of loss of privacy and in the interests of visual amenity, and to accord with Policy LP24(c) of the Kirklees Local Plan; design principles 3, 4, 5 and 6 of the Kirklees House Builders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.*

Condition 7:

This relates to surfacing of areas used by vehicles before development is occupied / brought into use and thereafter retained.

At the site visit it appeared that some of the areas to be used by vehicles had been surfaced and the approved houses were not occupied or brought into use. As such it is recommended that this condition is repeated.

Condition 8:

This condition removed permitted development rights for conversion of integral garages of the two dwellings approved. This was in the interests of the free and safe use of the highway.

It is recommended that this is repeated with reference to current policies and legislation.

Condition 9:

This is a pre-commencement condition relating to provision for the parking, loading and unloading of contractors plant and equipment and workforce's vehicles within the site boundary. It was in the interests of the free and safe use of the highway.

The condition did not require details to be approved by the LPA. It is unknown if it has been complied with, however as mentioned before, at the site visit for the current application it was clear that the development was nearing completion, with the site secured around the perimeter, and a small temporary site office building at the entrance. The driveway access was clear, with materials stacked neatly, and plant and machinery were being operated within the site boundary

As such in officers opinion it is un-necessary to repeat this condition.

Condition 10:

This is a contaminated land pre-commencement condition for submission and approval of a Phase I desk top study report.

The applicant for planning approval 2007/93753 submitted a contaminated land desk top study dated 29th October 2009 and a site walk over report dated 19th November 2009. These were attached to a letter dated 4th December 2009, seeking to discharge condition 10 to 14.

Approximately one month later, in a letter dated 11th January 2010 the Council wrote back to say that the submitted information had been assessed by the Councils' Environmental Services who, as a result, agreed to the discharge of condition 10.

Environmental Services went on to say that other conditions relating to contamination could be discharged once any fill material imported onto the site has been validated. If no fill material is to be brought onto the site then condition 11, 12, 13 and 14 could be discharged.

The agent confirmed in email dated 22.08.2023 that no fill material was required for the development.

As such it is recommended that conditions 10 through to and including 14 are removed.

Other Issues

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since the 16th September consent (2021/91239). It is therefore considered that, subject to the wording of conditions being amended, where relevant, to the wording set out in the 'Review of Conditions' section of this report and all informative notes imposed on the September 2021 consent (2021/91239) being re-imposed on this Section 73 application the proposal is acceptable.

It is therefore concluded that the variations to the approved plans proposed under this Section 73 application are acceptable and do not alter the conclusions reached and the recommendation made for application 2021/91239.

Approval is recommended.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2023/91088
Officer Recommendation: Approve subject to conditions

Conditions

1.The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice together with the following drawings/documents submitted as part of application 2007/93753 (dated 30th October 2007):-

- Location plan (amended plan dated 9.10.07)
- Dwg no. 0309D–25–P02 entitled General arrangement as proposed.

The following submitted to discharge conditions 6, 10, 11, 12, 13, and 14 of planning approval 2007/93753:

- Proposed fence details attached to letter dated 4th December 2009
- Contaminated land risk assessment Desk top study dated 29th October 2009 by Contamination Consultants Ltd.
- A letter regarding a site walk over – dated 19th November 2009 from Soil Environment Services Ltd

The following submitted with discharge of conditions approval 2022/90742 (dated 10th August 2022) to discharge condition 3 of planning approval 2007/93753:-

- A schedule of external materials and a photograph of brickwork, submitted 1st March 2022.
- A letter from Kirklees Council discharging conditions 10-14, dated 11th January 2010;
- A letter from Kirklees Council which states work has lawfully commenced, dated 2nd September 2011;

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 LP1, LP2, LP20 LP21, LP22, LP24, LP28, LP51, LP52 and LP53 of the Kirklees Local Plan, Design Principles within the Kirklees Housebuilder Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 9, 11, 12, 14, and 15 of the National Planning Policy Framework.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or reenacting that Order with or without modification) no buildings or extensions shall be erected within the area edged red on the approved plan (Plan Ref. 0309D-25-PO2) except in accordance with details which have previously been submitted to and approved in writing by the local planning authority.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and in the interests of visual amenity, in accordance with policy LP24 of the Kirklees Local Plan; design principles 5 and 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 12 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external walls or roof slopes of the dwellings hereby approved at any time without the prior written approval of the local planning authority.
Reason: So as not to detract from the amenities of the occupants of the neighbouring properties by reason of loss of privacy and in the interests of visual amenity, and to accord with Policy LP24(c) of the Kirklees Local Plan; design principles 5 and 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

4. (formerly 6) The boundary treatment information given on approved plan (ref: 0309D-25-P02) and details of close boarded timber boundary fencing confirmed as acceptable in letter dated 11th January 2010 to discharge 6 of

the 2007/93753 shall be erected before the dwellings hereby approved are first occupied and thereby retained.
Reason: So as not to detract from the amenities of the occupants of the neighbouring properties by reason of loss of privacy and in the interests of visual amenity, and to accord with Policy LP24(c) of the Kirklees Local Plan; design principles 5 and 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework

5. (formerly 7) The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained.
Reason: In the interests of the free and safe use of the highway and to accord with policies LP21 and LP22 of the Kirklees Local Plan, design principle 12 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

6. (formerly 8) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 permitted development rights are withdrawn for the conversion of the integral garages of the two dwellings hereby approved.
Reason: In the interests of the free and safe use of the highway and to accord with policies LP21 and LP22 of the Kirklees Local Plan, design principle 12 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

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.

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form			11.04.2023
Drainage layout	Drawing no. 2779/100 rev 1		11.04.2023
External works	Drawing no. 2779/1010 rev 1		11.04.2023
Typical driveway drainage details	Drawing no. 2779/102 rev 2		11.04.2023
Supporting information – Drainage Strategy Report dated 24.3.2023	ref: 2779/DSR001		11.04.2023
Supplementary information: confirming no fill material required at the site – email from agent dated 22.08.2023			22.08.2023

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. Some further information was sought and supplied during assessment of the application.

Report Dated: 29.08.2023

Coal – High