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:	**2023/62/91089/E**
Site Address:	58, The Common, Thornhill, Dewsbury, WF12 0LJ
Description:	Demolition of existing garage and erection of 1 no. detached dwelling
Recommending Officer:	Edward Cheseldine

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: «Current_Date»

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<u>Officer Report</u>

2023/91089 - 58, The Common, Thornhill, Dewsbury, WF12 0LJ

Site Description

The site for the proposed development is land within the curtilage of 58 The Common. The plot currently hosts a semi-detached house set within a substantial residential garden. The property benefits from access off The Common with a designated entranceway and hardstanding driveway. The residential building is set close to the front of the plot, which is set back by a modest front garden. Currently the plot hosts a stone wall as a boundary treatment. There are no protected or mature trees on the site. Adjacent to the plot is designated green belt land.
The site is located in a predominately residential area. Neighbouring dwellings on the south side of The Common are semi-detached properties, similar to No. 58. To the north rest larger stone-built dwellings that appear as farmhouses with different designs. There are no residential properties to the east of the site. Dwellings in the area are no more than two-storey in height. Properties to the north of the site are on a lower ground level than the application site.

Description of Proposal
Planning permission is sought for the demolition of an existing garage and erection of one dwelling.
The proposed dwelling would be two-storey in scale. The property would sit behind the current property line by ~10.50m. The property would have a simple rectangular form with slight projections on the front and rear. The dwelling would have a ridge height of ~7.20m, eaves height of ~5.20m, with a width of ~5.80m and length of ~13.25m. The dwelling is proposed to contain stone and render for the external walls with blue slate roof tiles. White Upvc window frames will be used. A gable end roof design will be constructed on the front and rear elevation. The access off The Common is to be extended, and the driveway will be widened with the addition of a turning point installed. There will be adequate parking spaces for four vehicles.

History of negotiations

Negotiations between the planning officer and agent were sought to achieve a design that was policy compliant.

Relevant Planning History

2020/93587 - Demolition of existing garage and erection of detached dwelling – Full permission granted.

Representations

None.

Consultation Responses

KC Environmental Health: No comment, subject to conditions.

KC Highways Development Management: No comment.

Policies

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 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 8** – Promoting Health and Safe Communities
- **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

Other Material Considerations:

- Kirklees Highways Design Guide Supplementary Planning Document (SPD) (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide Supplementary Planning Document (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) Other matters
5) Representations
6) Conclusion

<u>Principle of development:</u>

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 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 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 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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 weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises that: "Small and medium sized sites can make an important contribution to

meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 2 to 3 dwellings. However, LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. One dwelling is proposed in this instance, but this is considered appropriate as more dwellings on the site would likely result in a cramped form of development, would require further car parking spaces and would not suit the residential layout of the area. It should also be noted that the principle of one dwelling on the site has previously been established by the granting of the 2020 permission, on which significant weight should be placed.

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.

<u>Impact on visual amenity:</u>

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

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

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."*

The Common is characterised by the semi-detached, stone, residential buildings that line the street. The siting of the dwelling would be set back from the existing building line, to allow for the construction of a turning point and parking bays. In this instance, weight can be afforded to the extant permission that was granted under application 2020/93587 for the siting and positioning of the dwelling behind the existing building line, therefore it is deemed acceptable.
To the front of the dwelling there will be a large driveway, which will hold four vehicles, with an incorporated turning point. Although the placement of the driveway will lead to a relatively dominant feature, the siting of the dwelling has been established by the granting of the 2020 permission, therefore in this instance a front driveway can be incorporated into the design. Landscaping features on the north and east boundary of the site will mitigate the visual impact of a front driveway to an extent. In terms of size, the dwelling is quite deep when considered against dwellings in the immediate vicinity, including the next-door property. Considering the extant permission for a dwelling of this size under application 2020/93587, weight can be afforded to the design in

this instance. The dwelling benefits from a simple rectangle form which relates to the layout of the plot.
The proposal would result in usable outdoor space only to the rear of the dwelling which would be a plot estimated to be ~5.20m (W) x ~9.00 (L), which is adequate for the number of bedrooms the dwelling holds.
Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.
Moving on to appearance, dwellings on The Common are constructed predominately of stone walls with slate roof tiles. The application proposes render and stone walls under a slate roof. Render is placed in areas that break up the appearance of the stone creating an appealing feature. The introduction of the material is further balanced through the off set sitting of the dwelling behind the property line.

Gable end features will be introduced on the roof space on the front and rear. Gable ends are not currently present on the front elevations of dwellings which would contrast against the simple form of the historic semi-detached dwellings. The change in style from the traditional dwelling is lessened due to the proposed dwelling being set back from the roadside. A gable-end was also present on extant permission, in this instance weight can be afforded to the architectural designs featured within permission 2020/93587.
Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.
The front elevation facing The Common features a simple design with four well placed windows. This elevation is relatable to the size of the neighbouring front elevations. There are additional openings, however they are symmetrical and have no impact to the street scene.
Principle 15 states that the design of the roofline should relate well to site context.
The dwelling appears two-storey in height, given the locality, the height will be consistent with the other stone-built properties. The orientation of the property runs against the adjacent row of dwellings. As such, the ridgeline of the property does not follow the ridgeline of the existing housing row. In this instance, the siting and positioning of the dwelling has been established under extant permission 2020/93587, therefore the orientation of the ridgeline is acceptable. The slim width of the dwelling would appear relative to the dwellings on the street, fitting within the plot size whilst allowing for side room.

Impact of 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 layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."* The Housebuilders Design Guide 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 only property likely to be affected by the proposed development is considered to be the existing property, No. 58. The impact upon this property will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of properties to the front of the site, the proposed dwelling would be ~21 metres from the front elevation window to the front boundary of the site, this being The Smithy, The Common.

No.58 The Common

No. 58 is the adjacent dwellinghouse to the northwest of the application site. The proposed dwelling would sit approximately ~10.80m behind No. 58. Such a stepped distance would protect a 45 degree angle of outlook from the rear and side facing windows. Given the above, the set off from the proposed building from the front boundary it is considered that the proposal would not cause undue harm to No. 58 in terms of loss of light, loss of outlook or the creation of an overbearing effect.
It is considered that the east facing side windows on the ground floor would not achieve significant views towards the dwelling due to the introduction of the dwelling at the site, as there is an oblique angle of outlook towards No. 58 and the introduction of a boundary treatment. The side facing W/C window will be conditioned to be obscurely glazed. Given the above, it is considered that

the proposal would prevent undue harm to No. 58 in terms of loss of privacy from being overlooked.

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."*
The proposed dwelling exceeds the minimum recommendations as set out within the National Described Spacing Standards for such a dwelling, and the proposed rear garden is considered to be a good size for a dwelling of this scale.
Subject to a condition, 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.

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."*
Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
A 3 bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings with more than 1 bedroom. Two off street parking space will also be provided for No. 58.
There is to be a new access provided and the current driveway is to be widened. Details of the surfacing would be conditioned.
There is considered to be sufficient space for bin storage on the site, which would be located away from both dwellings on the site.
It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other Matters
Trees
There are mature trees located to the rear and west of the site which are within designated Green Belt. Although the trees are close to the property

boundary, it is considered there is enough outdoor space to be kept that can accommodate the dwelling without impacting the roots of the trees.

There are no trees situated within the application site.

Ecology

The site consists of a two storey dwelling with an area of hardstanding and managed lawn around it. Whilst it is proposed to demolish the existing outbuilding, it is considered that this building is likely to have low potential for protected species given the property will be built within the footprint of an existing outbuilding, and the garden space is already maintained.

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the proposed dwelling would be recommended as a condition should permission be granted.

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.

Due to the nature of the scheme, this being a proposal providing one new residential unit within the site, it is considered that one electric vehicle charging point for this dwelling should be provided to aid in the contribution to climate change. This matter could be conditioned should planning permission be granted.

Contamination

The site is not identified as being on potentially contaminated, but a condition relating to the discovery of unexpected contamination could be imposed, should permission be granted.

Construction

The Council's Environmental Health Officer has requested that construction site working times are conditioned in order to prevent undue noise disturbance at inappropriate times. However, as noise nuisance is controlled under separate legislation, it would be reasonable to impose this as a footnote instead of a condition.

Representations:
None received.

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: 2023/91089
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 Design Guide SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.
3. The development shall not be occupied until the W/C window on the ground floor and bathroom window on the first-floor as marked on Drawing No. 220234-D02 Revision C hereby approved has been obscurely glazed (to a minimum privacy level of Grade 4 or equivalent). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.
Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.
4. Prior to construction of dwelling hereby approved above slab level, details of all the external facing materials of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
5. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and

planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. 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 areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with Policy LP32 & LP 52of the Kirklees Local Plan and National Planning Policy Framework Chapter 12 & 15.
6. Prior to the first occupation of the dwelling hereby approved, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- Details of boundary enclosures, including location, heights and materials;

Thereafter, and prior to the first occupation of the dwelling hereby approved, the development shall be constructed in accordance with the approved details and retained thereafter.
Reason: In the interests of visual amenity and residential amenity, and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and turning areas on Drawing No. 220234-D02 Revision C 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.

8. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the

dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

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

9. A bat box and a bird box (one of each) shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light and 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.

10. 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: This is a pre-commencement condition 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

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, 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: This is a pre-commencement condition 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.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, 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: This is a pre-commencement condition 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.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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: This is a pre-commencement condition 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.
14. 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.
15. Where imported materials are to be used, a ‘Verification Report’ by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority for any topsoil or subsoil that has been imported onto the site. The verification report shall demonstrate how all imported topsoil and subsoil is safe and suitable for use on the site.
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
NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays.
NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.
NOTE: The 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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.
NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.
NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Grouped Plans and Elevations	D02	C	15/09/2023
Location Plan	D01	A	12/04/2023
Design and Access Statement	22261-A	A	12/04/2023

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. Design amendments have been received to bring the application to acceptable design standards.