

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:	2023/62/92245/E
Site Address:	adj, 2, Kenmore View, Cleckheaton, BD19 3EH
Description:	Erection of attached dwelling
Recommending Officer:	Edward Cheseldine

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Oct-2023

Officer Report

2023/92245 - adj, 2, Kenmore View, Cleckheaton, BD19 3EH

Site Description

The site comprises of a two-storey, terrace property constructed from brick with a pitch roof, clad in concrete tiles. Access to the plot is formed from a hardstanding driveway from Kenmore View.

Kenmore View is a residential road with dwellings on both sides of the street. Dwellings on the street are terrace type properties in blocks of 3 and 4. The terrace properties have a similar appearance with distinctive roof pitches and prominent dormers which vary in material and colour. Materials of the walls and roof of the dwellings on Kenmore View are similar to the dwelling on the application site.

Description of proposal

Planning permission is sought to erect one dwelling to form an end-terrace property.

The proposed dwelling would be two-storey in height, with a gable-end roof. The appearance of the dwelling would be similar to the existing property on the plot. The placement of the dwelling would be in line with the existing property line of the street. The dwelling would face Kenmore View. It would have a proposed ridge height of ~7.00m, eaves height of ~2.70m, width of ~7.40m and depth of ~7.60m.

Materials of the exterior walls are to be brick with concrete roof tiles to match the existing materials of the adjoining property.

Two parking bays are to be formed to the front of the dwelling, which will be over 4.8 x 2.4m per vehicle on hardstanding material of ~6.4mx ~5.4m.

A boundary between the new dwelling and Kenmore Road will be formed by a 0.90m high fence on the corner of the plot, which turns into a 2.00m fence. Between the proposed dwelling and existing dwelling there a 1.00m fence will be placed. Bins will be stored to the rear of the property.

Car parking to the existing dwelling will remain as currently stands.

History of negotiations/amendments received

Amended plans were requested by the planning officer to retain soft landscaping elements to the front outdoor area of the site.

Relevant Planning History

There are no prior planning applications for this address.

Representations

Neighbour representation letters were sent out informing residents of the proposals. The last day to submit a representation was 03 October 2023. As a result of the publicity, there were no representations.

Consultation responses

KC Environmental Health: No objections subject to conditions.

KC Highways Development Management: No comment.

Policy

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 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 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) Conclusion

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 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 must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s 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”.

Residential development at the site could be acceptable in principle. One dwelling is proposed in this instance, this is considered appropriate as it's not considered that more dwellings on the site could be accommodated without resulting in a cramped form of development. Any additional car parking spaces would compromise the residential layout of the area.

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.

Impact on visual amenity:

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.”*

Kenmore View is characterised by terraced buildings, linear housing in rows with modest front outdoors areas. The siting of the property would be in line with the front elevation of the adjoining property; however, it would protrude beyond the rear elevation of the adjoining property by 2.00m. The dwelling would face towards the direction of the road mirroring the other properties on the south of the street. As the siting of the dwelling will appear flush from the public domain the siting and positioning is acceptable. The impact of the 2.00m protrusion is considered acceptable in visual amenity terms but will be assessed in the residential amenity section of the report.

The property will rest on a corner plot, consideration should be given to the impact the property will have on both the front and side elevation. The gable end will be prominent and does not contain front elevation features. The dwelling is situated at the centre of Kenmore Road at a minor junction serving Kenmore View. It does not hold a prominent position or one that is highly noticeable. Additionally, the gable-end will be in replacement of a similarly design elevation. There is a two-storey side extension on the building to the rear of the site, which has previously altered the building line to some degree.

To the front of the property there would be a double driveway and a pathway with soft landscaping to the side of the drive retained. Driveways that are within the front outdoor area of properties are seen on the street at present.

In terms of size, the dwelling is appropriate to the neighbouring dwelling and other dwellings on the street, some of which have benefitted from rear extensions and conservatories. The dwelling benefits from a simple rectangular 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 ~8.90m (W) x ~7.00m (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 Kenmore View are constructed predominantly of brick exterior walls with concrete roof tiles. Dormers are mainly wooden with some in Upvc. The application proposes brick exterior walls, concrete roof tiles and a wood panelled dormer which will marry up with materials present on the street, as well as the adjoining property. The pitched roof style will continue the form and shape of the terrace row.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The front elevation facing Kenmore View features a simple design with well placed openings and doors that resemble the placement of the neighbouring dwelling. There are large openings on the rear ground floor elevation, these cannot be seen from the public domain and cause no material harm to the character of the host dwelling or surrounding area.

Principle 15 states that the design of the roofline should relate well to site context.

The roofline design not only relates well to the site contexts but continues the roofline of the terrace row.

The development include parking to the front which replicates others within the street scene. An amended plan demonstrates some landscaping to be maintained which is considered, on balance, acceptable in this instance.

It is noted that a 2 metre high fence reducing to 900mm is proposed to the site boundary. It is unclear where the fence is reduced. In order to protect the amenity of the area within context of the site a condition requiring additional detail is imposed.

Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential 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 2 Kenmore View (the adjoining property to the proposed), 1 Kenmore View, 1 Kenmore Drive and 1 Kenmore Grove.

Impact on 2 Kenmore View

2 Kenmore View shares the site with the new dwelling, and is situated to the east. In terms of the spatial relationship, the new dwelling protrudes to the rear of No. 2 by 2.00m. It will be formed from a single storey rearward projection measuring a height of 2.70m. As the rearward projection is minor, it should not reduce the outlook by an angle of less than 45oC, additionally, due to the length of the projection it would not reduce the sense of space enough

to be overbearing. The room nearest the shared boundary is a kitchen. There may be a loss of light / sunlight in the early evening to this room. Considering the flat roof style, this would only occur in winter when the sun is low. There are no side windows proposed, however there will be first-floor windows which will have a view into private outdoor amenity space. Whilst the relationship is considered to be intrusive, the level of privacy currently observed would not alter as there are other properties with views into the outdoor area.

Impact on 1 Kenmore View

1 Kenmore View is to the north of the application site and is on the other side of the road to the application site. The new dwelling will be ~22.00m from the nearest habitable window. Due to the distance, there will not be an impact to the privacy of the neighbouring dwelling. Additionally, there will not be a loss of light, loss of outlook or the creation of an overbearing effect.

Impact on 1 Kenmore Drive

1 Kenmore Drive is to the south of the application and shares the rear boundary. The application site is lower than the neighbouring dwelling due to change in land levels as Kenmore Road drops from south to north. The proposed property is estimated to be ~23.00m from the nearest habitable room of the neighbouring property. The drop in land level will obscure views of the outdoor areas of each property from one another. The distance will prevent any impact to privacy, loss of outlook, loss of light or prevent the creation of an overbearing impact.

1 Kenmore Grove

1 Kenmore Grove is on the other side of Kenmore Road, to the west of the application site. The property is estimated to be ~17.60m from the proposed dwelling. The side elevation will face the property which has an opening to serve the upstairs landing. Given the room is a non-habitable room and there is a sufficient distance between the property the side openings will have no material impact on the privacy of 1 Kenmore Grove. The distance will prevent any loss of outlook, loss of light or prevent the creation of an overbearing impact.

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.” Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

The proposed dwelling exceeds the minimum recommendations as set out within the Kirklees Housebuilders Design Guide SPD & *Nationally Described Space Standards* for such a dwelling, and the proposed rear garden is considered to be a good size for a dwelling of this scale.

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.”*

A 3 bedroom dwelling is proposed at the site, Kirklees Highways Design Guide SPD states that at least 2 on site-spaces are required for dwellings with more than 2 bedrooms. Parking facilities that will serve the dwelling on the site will remain. Bin storage is to the rear of the dwelling and is adequate.

KC Highways has no objections to the proposal subject to a drop kerb being applied for and the driveway being surfaced to

Environmental issues

Ground contamination

The Council’s GIS system has identified the proposed development site as being located close to a historic landfill site (126/1), therefore a condition will need to be set in case unexpected ground contamination is uncovered during development.

Electric vehicle charging point

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

Construction mitigation

Construction practices are covered by other regulations and it is not considered necessary or reasonable to attach a condition regarding site working times, but an informative regarding construction practices can be attached instead if permission is granted.

Ecology

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.

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: 2023/92245

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. Prior to construction of the dwelling hereby approved above slab level, details of all the external facing and roofing 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.

4. The development shall not be occupied until the ensuite window in the rear elevation dormer of the hereby approved has been obscurely glazed (to a minimum Grade 4). 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 (to a Grade 4) shall thereafter be retained.

Reason: In the interests of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 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. 23-019-03 Revision B 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. Before first occupation of the property, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

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.

7. 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 SPD and Chapter 15 of the National Planning Policy Framework.

8. 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.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8 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.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 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.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

12. 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 (that part of) 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.

13. Notwithstanding the submitted details, 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; and
- Details of pavements, pedestrian accesses and steps.

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.

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:

With regards to electric vehicle charge points:

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- 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 in relation to Approved Document S.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise shall be audible beyond the site boundary on Sundays or Public Holidays.

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

Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	23-019-01	A	26/07/2023
Existing site / block layout	23-019-01-B	A	26/07/2023
Existing site / block layout	23-019-02	A	26/07/2023
Proposed site / block layout	23-019-03	B	15/10/2023
Existing floor plans	23-019-04	A	26/07/2023
Proposed floor plan – ground floor	23-019-05	A	26/07/2023

Existing floor plan – first floor	23-019-06	A	26/07/2023
Proposed floor plan – first floor	23-019-07	A	26/07/2023
Existing floor plan – roof	23-019-08	A	26/07/2023
Proposed floor plan – roof	23-019-09	A	26/07/2023
Existing elevation	23-019-10	A	26/07/2023
Proposed elevations	23-019-11	A	26/07/2023
Proposed elevations - Streetscene	23-019-12	A	26/07/2023
Site plan – Visibility splays	23-019-13	A	15/10/2023

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. Amendments were sought to introduce soft landscaping to the front of the plot.