

**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:	<b>2023/62/92590/W</b>
Site Address:	5, St Mary's Crescent, Netherthong, Holmfirth, HD9 3XP
Description:	Erection of extensions and alterations
Recommending Officer:	Tom Hunt

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 26-Mar-2024**

## **Officer Report**

### **Site Description**

2023/92590 – 5, St Mary's Crescent, Netherthong, Holmfirth, HD9 3XP

The application site relates to a chalet style bungalow with a flat roof dormer off its southeast roof plane and a significantly set back single-storey garage projection to its side. It is constructed in a mix of stone and red brick with timber used as a decorative feature and concrete interlocking tile to its roof. There are gardens to front and rear with an external passageway to the side. A driveway leads up to the garage.

The property sits within a residential area of similar constructed properties with varying degrees of modifications including side dormers.

### **Description of Proposal**

Erection of extensions and alterations

*All figures are approximate and in metres.*

It is proposed to have a side extension in the place of the garage with a pitch roof to match the host's own design. It would extend 4.6m from the side and have a depth of 6.2m (extending 2.5m past the rear elevation of the host). This would have a garage door to the front, a small skylight to the front roof plane and patio door to the rear elevation only.

In addition, there would be a single-storey rear extension behind the original main body of the host. This would project 2.5m with a width of 3.6m and be roofed with a hipped design 3.3m ridge and 2.4m eaves height from ground. This would have windows to its rear and side and retain a separation distance of 1.5m to the flank boundary.

To the host's southeast roof plane, it is proposed to have an L shaped flat roofed dormer consisting of a side dormer and a front dormer to the front roof plane of the side extension. The side dormer would be set back 3.4m from the northeast elevation and be 4.5m width, 2.5m height and projecting 2.6m from the roof plane. This would have two rooflights forward of the side dormer and a singular window on the southeast elevation.

Adjoining it would be a dormer of 5.5m width, 2.5m height and projecting 2.25m from the side extension's front roof plane; this would have a Juliet balcony.

To the host's northwest roof plane, it is proposed to have a side dormer set back 0.45m from the northeast elevation and be 10.9m width, 2.5m height and projecting 2.6m from the roof plane. This would have a singular window on the northwest elevation.

To the rear of the side extension, there would be a dormer of 4.5m width, 2.3m height and projecting 2.25m. This would have two windows (2 light: 1 light)

The stone elevation of the front gable will remain however its timber section would be replaced by clay brown cedar horizontal cladding, which would also be used to the cheeks and face of the dormers and the upper gable end of the side extension. The side extensions shall be rendered in buff/clay brown finish to elevations and concrete tile to roof.

### **History of negotiations/amendments received**

The case officer considered the application on review and sought amendments to reduce the bulk and massing of the proposed.

### **Relevant Planning History**

95/90703                      Erection of single storey extension and dormer bathroom.  
*Conditional Full Permission.*

### **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which had a final expiry date of 19/10/2023.

No representations have been received.

Holme Valley Parish Council - support

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations.

### **Consultation Responses**

No technical consultees required.

### **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 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan adopted 8<sup>th</sup> December 2021.

The site is within the Holme Valley Neighbourhood Plan under Local Character Area  
5: Netherthong Rural Fringe

The site is unallocated land for development on the Kirklees Local Plan. It is within a Bat Alert layer and a Twite buffer area. It is within a Low Risk Coal area for development and is not within an identified risk area for historic gas and landfill. It is within Flood Zone 1.

**Kirklees Local Plan (LP):**

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 53 – Contaminated and unstable land**

**Supplementary Planning Guidance and other considerations**

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

HVNDP Policies relevant to this application are:

- Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Relevant to the scale of the proposal, Officers are required to consider the LCA and to support its local identity by:

- having regard for the key characteristics that give these areas their distinctive character and to respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 3 – Plan-making
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

## **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 – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

### 1 – Principle of development:

#### *1.1 Sustainable Development*

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

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 explored.

### 2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02 and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, Policies 1 & 2 of the HVNDP and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

The Holme Valley Neighbourhood Development Plan guides Officers to consider the certain characteristics of their identified character areas for place shaping and good design. The application site and its landscape setting itself are not strongly associated with the distinctive characteristics identified for the Local Character Area in the Holme Valley Neighbourhood Development Plan; the existing residential architectural design and setting of the area have been taken into consideration instead with regard to Policy 2 of the Holme Valley Neighbourhood Development Plan.

Paragraphs 5.15-5.16 of the SPD (page 28) relate in general to proposed side extensions to have those be located and designed to minimise its impact in the locality and to reflect the design of the host in roof style, pitch, materials and detailing, be these single or two-storey.

Specific to single-storey side extensions (page 28), paragraphs 5.17-5.18 advise that they should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The proposal would comply with those parameters except regarding the overall height of the roof (which contains accommodation). In this instance, the significant set back of 7.6m and the retained external access to the flank boundary would ensure a visually subservient design which would sit comfortably within the plot.

Paragraphs 5.1-5.6 of the SPD (pages 23-24) provides specific advice on rear extensions and single-storey rear extensions which is used as a guide for this first floor and single-storey rear extension.

Generally, they should preserve an external passageway to the rear garden, a garden of reasonable size and be set behind the original building. The proposal would comply with all those.

Specific to single-storey rear extensions (page 24), paragraphs 5.5-5.6 advise that they should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposal would comply with all those parameters (including the rear projection of the single-storey side extension). Whilst the roof design would appear moderately complicated introducing an alien roof design feature, this would be to the rear of the host, of limited projection and be screened from the streetscene adequately to avoid any significant detrimental visual effect. Considering both the side and rear extensions, the front elevation would be in red brick and the rear and side elevation of the extensions would be rendered with a clay brown or cream white colouring; plans indicate the two colour options for the addition of render however those are to be to very limited secondary elevations of low impact to the host and Officers propose that the colours do not need to be conditioned in this instance for visual amenity. The tiles for the single-storey side extension will be to match the host. As such, the materials of brick and tile would appear suitably harmonised with the host, subject to condition for visual amenity. The tile over the hipped roof of the rear extension would be in EPDM/fibre glass or appropriate shallowly pitched tiles, the very limited secondary use of this material of low visual impact would be acceptable in this instance.

Paragraphs 5.24-5.27 of the SPD (pages 31-32) set out that dormer and roof extensions are generally “*a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.*”

They should be located to the rear, be small and subservient with a substantial area of the original roof retained and should reflect the local character of existing types in the streetscene.

To achieve this, they should be sympathetically designed in style, scale and materials to the host, be set within the roof plane and not project above the host roof ridge, and be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

It is noted that the surrounding residential area have limited side and front dormers particularly along St Mary’s Crescent in the northerly direction. The proposed would present dormers of a very similar design, be mostly symmetrical to the main body of the host and would have a relatively restrained front dormer screened by the adjacent side dormer. Whilst this would add additional bulk and massing through its dormer accommodations to

the roof, the overall design would be largely contained within an existing building footprint, be set within the roof planes and be faced in a complementary colour cladding to the host's own roof to appear sympathetic with examples in the surrounding area and to the host.

The proposed fenestration would be largely residential in style with the Juliet balcony appearing significantly set back from the high and as a low impact visual alteration to the host and streetscene.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policies LP02 and LP24 of the Local Plan, the Key Design Principles of the House Extensions and Alterations SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the NPPF. This also takes into account the likelihood of a fallback position for the side dormer.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 7 (northwest), No. 1 St Mary's Avenue (northeast), No. 3 (southeast) and No. 6 and 8 St Mary's Rise (southwest).

*No. 7*

The proposed development would have a side dormer addition facing this property with one window serving a bedroom (where previously a rooflight was present). The small single-storey rear extension with a side elevation window would be separated from a shared boundary treatment by 5m which consists of a timber trellis attached to a wall and green screening adjacent to the neighbour's single-storey garage. The rest of the development would be screened by the host from the neighbour.

No. 7 has two rooflights close to the ridge approximately with a proposed separation distance of 9.4m; due to the restricted and oblique views between the dormer and the angle of the roofplane/rooflights and the separation distance, Officers recommend that this would be acceptable and would not significantly alter the existing relationships between the neighbours in terms of overlooking/loss of privacy. The hard and soft screening effect of the shared boundary would also ensure that there would be no additional overlooking effects from the rear extension.

Both the dormer and rear extension would be to the southeast of the neighbour however would be separated from the neighbour adequately by the driveway and its own single-storey garage projection to limit its visual effects and be of a restricted scale and massing so as to not have any significant overbearing or overshadowing effects.

*No. 1 St Mary's Avenue*

This property is separated by the highway and is over 22m from the proposed development. As such, Officers consider that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

*No. 3*

The proposed development would bring greater bulk and massing closer to the shared boundary with a single-storey side (with accommodation in the roof)/rear extension and dormers including one window serving a bathroom facing the neighbour. No. 3 has a rooflight to its northwest roof plane, due to the restricted and oblique views between the dormer and the angle of the roofplane/rooflights, Officers recommend that this would be acceptable and would not significantly alter the existing relationships between the neighbours in terms of overlooking/loss of privacy. There is a timber fence with green screening to the shared boundary which appears to match the eaves height of the neighbour and to provide a screening effect currently sufficient to prevent loss of privacy for the future occupants. There is potential for the conifer screening to be reduced in height and as such, Officers recommend that this side dormer window serving a bathroom should be obscurely glazed by condition to maintain residential amenity with regard to overlooking and loss of privacy.

The proposed development would be to the north of this neighbour and as such would not increase any overshadowing effects. The retained external access to the rear for the single-storey side extension and the separation distance of the dormers bulk and massing would adequately reduce overbearing effects to the neighbour.

#### *No. 6 and 8 St Mary's Rise*

The proposed development would be 19m east of those neighbour's side elevations with most of the development at ground floor screened by the existing shared boundary treatment of low stone wall and solid timber with a decorative timber design. It would introduce additional windows serving a bedroom and ensuite to the rear dormer; the latter would be obscurely glazed. The windows would only have very limited oblique views of the side elevations and the proposed design's overall limited scale and separation distance to those neighbours would sufficiently prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect. As such, a condition on obscurely glazed ensuite openings is not necessary to prevent undue harm with regard to overlooking/loss of privacy.

#### *Future Occupiers*

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

#### 4 – Impact on highway safety:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces to achieve this aim. The proposal would remove an existing garage space which does not meet internal space standards for garaging modern vehicles as indicated in the Highways Design Guide SPD; while it is larger in internal dimensions with some positive effect, the replacement garage would still not fully meet the internal space standard of 3m by 6m however the proposal would still provide two off street driveway spaces sufficient for modern vehicles as such this would be a relatively neutral impact on parking arrangements. The application site is close to regular bus services supporting sustainable car free travel and is on a quiet street with properties well served by off street parking arrangements reducing on-street parking demand. In this

instance, Officers propose that this limited underprovision of parking is acceptable as the intensified use would not significantly harm parking availability in the area and is supported by car free travel options nearby.

There is an existing dropped kerb serving the driveway. If further changes in the access within the adopted highway fronting the property is required, this would need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). A footnote has been attached to the permission with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution.

The site details provided do not show where bins are to be stored however the proposed block plan shows sufficient space remaining to allow bin arrangements to remain as existing.

The proposed development would not adversely affect the existing parking spaces within the site for its moderately intensified use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

## 5 – Other matters:

### *Climate Change*

When determining planning applications the Council will use the relevant Local Plan policies, Policy 12 of the Holme Valley Neighbourhood Development Plan, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

### *Drainage*

The site is within a low probability Flood Risk Zone and does not seek to extend its off-street parking area with the development mostly limited to the rear and the existing footprint. Subject to a recommended condition to have any new parking surfaces drained, this proposal would have no conflict with Policy LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

### *Biodiversity*

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP 30, LP31 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert and twice buffer area, the proposals are relatively modest to a well-sealed roof

and therefore considered unlikely that the proposals would have an impact to those protected species. An informative has been provided however, making the applicant aware that if those protected species are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

The small scale of the proposal would be mostly on an existing hardsurface with no significant impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan and LP30 of the Kirklees Local Plan.

#### *Contaminated and unstable land*

The site is not within an identified area for land contamination or near to a known landfill site. Following Kirklees Council Environmental Health standing advice on this matter, Officers recommend that a pre-cautionary condition be attached should unexpected contamination be found to ensure public safety for LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

#### 6 – Representations:

No representations had been received.

#### 7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated**

**Application Number:** 2023/92590

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. Prior to the hereby approved extensions being first brought into use, any new parking spaces provided, within the site outlined in red, shall be 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 (ISBN

9781409804864) 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 the parking of vehicles.

**Reason:** To ensure that sufficient parking is provided for the site and to mitigate flood risk and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD'.

4. The bathroom window in the southeast side elevation of the side dormer within the southeast facing roof plane of the host, shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glass.

**Reason:** So as not to detract from the amenities of the adjoining property, no. 3 St Mary's Crescent by reason of loss of privacy and to accord with policies LP24b of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either

- (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or
- (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure public safety and to comply with LP 53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

**FOOTNOTE:** 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.

**FOOTNOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

**FOOTNOTE:** The site is located within the Kirklees Bat Alert and Twite Buffer Layers and there is an increased potential for these protected species to be affected. If bats or breeding birds are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice to ensure lawful commencement.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. 22/832/01.	Unamended	12/09/2023
Existing Block Plan.	Drawing no. 22/832/02.	Unamended	12/09/2023
Existing Elevation and Floor Plans.	Drawing no. 22/832/03.	Unamended	12/09/2023
Proposed Bock Plan.	Drawing no. 22/832/05a	A	06/02/2024
Proposed Elevation and Floor Plans.	Drawing no. 22/832/04h.	H	22/03/2024
Climate Change Statement	-	-	12/09/2023

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. The case officer considered the application on review and sought amendments to reduce the bulk and massing of the proposed.

**Report Dated:** 25/03/2024