

**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:	2023/62/92812/E
Site Address:	Land Adj, 52, Ingham Road, Thornhill Leeds, Dewsbury, WF12 0AQ
Description:	Erection of one detached 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16th May 2024

Officer Report

2023/92812 - Land Adj, 52, Ingham Road, Thornhill Leeds, Dewsbury, WF12 0AQ

Site Description

The site is a parcel of land between a row of terrace houses and an allotment. It is currently a green residential garden which is bounded by a low stone wall to the front, residential fencing to the rear and metal panelled fencing on the boundary shared with the allotment.

The terrace row is constructed with stone exterior walls which fall under a pitched roof clad in stone roof tiles. The properties are traditional builds with sash style openings and simplistic fenestration. They are placed behind modest front gardens.

The area is predominately residential. Due to the allotments there is an open, green character to the immediate area.

Proposal Description

The application is seeking planning permission for the erection of one detached dwelling. It sits level with the adjacent terrace row. It will have a rectangular form, width ~7.80m, depth ~8.80m, eaves height ~5.80m, ridgeline height ~8.00m. The property will be built with stone exterior walls.

The roof will be pitched whilst on the rear elevation there will be a gable-end projecting from the rear, the ridgeline of which is set down from the main roof ridgeline. Roofing tiles will be stone slates.

There will be one parking space to the rear of the property, it will be accessed by a shared access road that runs down the rear of the terrace row, onto Slaithwaite Road.

Garden space to the front and rear will be similar in size and position to the adjacent properties.

Consultation Responses

KC Highways – No objection

KC Environmental Health – No objection, subject to conditions

Canal & River Trust – No objection

Relevant Planning History

Application site

2022/91873 - Erection of single and two storey extensions and associated alterations – Refused

2008/92306 – Change of use from garage site to garden – Full permission granted.

52 Ingham Road

86/05706 - Erection of extension to form kitchen and bathroom – Full permission granted

2022/91809 – Householder Permitted Development Prior Approval for erection of a single storey rear extension – Prior Approval not Required

2022/91873 - Erection of single and two storey extensions and associated alterations - Refused

Negotiations/Amendments

To tie in the design of the dwelling to the building group, stone corbels were introduced and the fascia boards removed.

Public Consultations

Neighbourhood notification letters were dispatched to advertise the application, which expired on the 30 October 2023. As a result of the publicity, there were no representations.

Policy & Legislation

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

The site is partially located on land allocated as Urban Green Space within the Kirklees Local Plan.

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
- **LP 61** – Urban Green Space

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental issues
- 6) 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.

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 application site is partially located on land allocated as Urban Green Space within the Kirklees Local Plan. The proposed development would encroach on the Urban Green Space which predominantly forms the allotments to the south of the site. The proposed development would have a

very marginal impact on the urban green space which is not used as current allotment and therefore does not form part of the allotments. It is therefore considered that no significant harm would be caused to Urban Green Space as a result of the proposed development, thus complying with LP61 of the Kirklees Local Plan.

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

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

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.’

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, which is suitable when considering the size of the plot, any additions above this could result in a cramped building form and increase the amount of hardstanding to provide additional car parking.

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 and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

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

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

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

The immediate building group is characterised by the local vernacular of traditional dwellings which have pitched roofs, sash type openings and stone lintels and cills. These dwellings are predominately terrace style dwellings placed in a linear row, however there is a pair of semi-detached dwellings in the building group which have a similar design whilst providing a visual break in the building group. The green characteristic of the space is provided by the allotments and application site.

The dwelling will be placed ~3.70m from the front boundary and ~5.40m from the rear boundary. It will sit in a similar position to the adjacent building, which has benefitted from a rear extension, as have many on the terrace row. The dwelling will face Ingham Road. In terms of height, footprint and positioning, it is relative to the adjacent dwelling which is appropriate as the buildings in the area are uniformed.

Properties benefit from modest front and rear garden spaces, given the building group, the proposed gardens areas are relative and appropriate for the building size.

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

External wall materials are proposed to be a stone front elevation, rendered sides and red brick rear elevation. Roofing materials are to be stone slates, windows will be Upvc. These materials match the profile of the building group.

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

Openings are rectangular, which are slightly smaller than the sash type openings on the other properties, however they are not too dissimilar and provide a similar shape. The window layout provides a double fronted property which is different from the adjacent styling, however it is not considered to be out of character with the traditional style of the dwellings. To tie in the design of the dwelling to the building group, stone corbels were introduced and the fascia boards removed.

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

The roofline is a pitched roof that continues the roofline. There is a rearward projection formed from the gable end. The ridgeline of which is pitched down and will not be visible from Ingham Road. There will also be a mono-pitch roof on the rearward projection of the ground floor.

Parking is to the rear of the site, it is tucked behind the dwelling and will not be visible from the public domain, thus retaining the character of the streetscene.

Boundary Treatments

No details of boundary treatments or hardsurfacing have been provided therefore, in the event that planning permission is approved, it is advised that a condition is added to any consent that these details are to be provided and agreed in writing by the Local Planning Authority prior to the building becoming occupied.

Impact on Residential Amenity

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

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

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

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

The properties that will be affected by the development will be 52 Ingham Road, 59, 61 & 63 Ingham Road and 146 Slaithwaite Road.

Impact on 52 Ingham Road

In terms of privacy, there is an obscurely glazed window on the ground floor and a window in the roof space that face towards this property. There are no side windows on the side elevation of No 52, therefore it is not considered that there will be an impact to privacy.

In terms of an overbearing impact, impact to light or outlook, the property sits relative to the adjacent property. The two-storey rearward projection is distanced ~5.00m from the shared boundary which is appropriate considering the existing make of the surrounding properties. The single-storey rearward projection is adjacent to a single-storey extension. There is a ~1.00m space between the new building and this property. Due to this, there will not be an overbearing impact, loss of outlook or light into habitable rooms. There may be a loss of sunlight in the back garden in the afternoon, however this should only be in the winter months as the pitched roof will mitigate this loss which is not considered significant enough to warrant refusal.

Impact on 59, 61 & 63 Ingham Road

These properties are opposite the application building. The nearest property is ~18.00m from the front windows of the application building. In terms of privacy, these windows are outlooks for habitable rooms. The relationship for these dwelling will change, however given the distance, it is not considered there will be a significant detrimental decline in privacy as they face onto an open street, and the relationship of the street is set fixed from the pre-existing dwellings.

Due to distance, there will not be an overbearing impact, loss of light or outlook.

Impact on 6 St Anne' Close

This dwelling is position to the rear of the application site, there will be an impact to the residential garden only. It is ~13.40m from the rearward windows, including the first-level rear windows. The garden is substantial in size and separated by the private access drive. It is not considered the loss of privacy is significant, additionally, the garden is already overlooked at present by several properties, therefore the relationship will not significantly change.

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 gardens, whilst modest, do provide functional outdoor space for the occupiers commensurate with the surrounding pattern of development.

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

The property will be a three-bed dwelling. The Kirklees Highway Design Guide specifies a property of such size should have two off-street parking spaces. The application has one parking space located on the drive and a garage, however the garage space is only ~2.65m wide and is not considered to be an

appropriate size to park a car. Notwithstanding this, the site is constrained by the plot size and to provide a further parking space would take up the majority of the residential garden and other dwellings have no off-street parking. KC Highways Development Management raised no objections and consider that parking in the area is free and sufficient, therefore 1 space is adequate.

Environmental Matters

Ecology

The application site is located in a bat alert layer. A cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

The application was submitted prior to 02 April 2024 therefore it does not require a biodiversity uplift of 10%.

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.

Land Contamination

No consideration for the potential of mine gasses from probable shallow and or unrecorded mine workings appears to have been included in the Conceptual Site Model. It appears there is information lacking at this point in the report, the potential presence of shallow coal beneath the site is very important and further clarification is required.

Environmental Health have been consulted and noted that the Phase I report concludes further information is required to clarify the risk of soil contamination, therefore conditions relating to ground investigations will be set. In the event that planning permission is approved, appropriately worded conditions should be included.

EV Charging Points

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.

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: 2023/92812

Officer Recommendation: Approve

Conditions:

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

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

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

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

3. Notwithstanding the elevation drawings on Drawing No. S02 Rev D, there shall be no fascia boards above the front elevation windows, and natural stone corbels shall be introduced on the front elevation which should have the appearance and spacing as corbels on the adjacent dwelling.

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. Prior to construction of dwellings hereby approved above slab level, details of all the course brick of the external walls, roof slates and stone corbels 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 occupied until the bathroom and W/C windows in ground and first floor, of the hereby approved scheme 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: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

6. All new heads, sills, mullions, window and door surrounds shall be constructed of natural stone.

Reason: In the interests of protecting the visual amenity of the area, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021).

7. 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;
- Details of the hard surfacing materials and location.

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.

8. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and turning areas on Drawing No. S02 Rev D 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.

9. 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.

10. 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.

11. 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: 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 further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (11) 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: 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. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (12) 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: 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. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (13). 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.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

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

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

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

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

NOTE: The 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: 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
Existing plans and elevations	S01A	Rev A	20/09/2023
Proposed plans and elevations	S02D	Rev D	20/09/2023
Design and access statement	DAS	-	20/09/2023
Climate change statement	CCS	-	20/09/2023
Ground contamination – Appendix 1	Appendix 1	-	20/09/2023
Ground contamination – Appendix 2A	Appendix 2A	-	20/09/2023

Ground contamination – Appendix 2B	Appendix 2B	-	20/09/2023
Ground contamination – Appendix 4A	Appendix 4A	-	20/09/2023
Ground contamination – Appendix 4B	Appendix 4B	-	20/09/2023
Phase One Desk Study and Coal Risk Assessment	2568-1	-	20/09/2023
Shadow Impact Assessment	SIA	-	20/09/2023

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. Minor amendments to the design of the principal elevation were requested and received as a result of negotiations.

