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:	**2023/62/93587/E**
Site Address:	adj, 93a, Halifax Road, Hightown, Liversedge, WF15 6PP
Description:	Erection of two dwellings
Recommending Officer:	Edward Cheseldine

DECISION – CONDITIONAL FULL PERMSISION

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

Emma Thompson

AUTHORISED OFFICER

Date: 08-April-2024

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<u>Officer Report</u>

2023/93587 - adj, 93a, Halifax Road, Hightown, Liversedge, WF15 6PP

Site Description

93a Halifax Road is a detached, bungalow dwelling in Hightown. The dwelling is constructed with brick exterior wall which fall under a low-pitched roof clad in concrete roof tiles. The property faces onto Halifax Road which is a classified A road, the access for the property is formed from the road.

There are a mixture of styles and architectural designs in the vicinity of the site, which have no fixed layout, often set at acute angles to the road. There are varying scales of buildings in the street at differing heights.

The topography of the site slopes gently from north-west to south-east with the outdoor with the area marked sitting higher than the dwelling.

A natural stone wall that turns into hedging runs along the boundary with Halifax Road.

Description Proposal

Planning permission is sought for the erection of two detached dwellings to the north-west of the existing dwelling. The proposed dwellings are two storey in height with hipped roofs, they will be constructed with reconstituted stone and blue grey concrete roof tiles. The footprint of the two dwellings is rectangular, formed by the square like dwellings, each dwelling is ~6.50m x ~9.35m with an eaves height of ~5.20m and ridge height of ~7.20m. They feature a gable feature on the front façade. Each dwelling has 3 bedrooms.

A new access would be formed for the proposed dwellings onto Halifax Road which is shown to run parallel to the main highway. This provides private access and incorporates bin presentation point as well as parking.

Relevant Planning History

2019/90229 – Demolition of 1 dwelling and erection of 6 dwellings – Full permission granted

2023/90299 - Demolition of two dwellings and erection of two detached dwellings with two detached garages – Full permission granted

History of negotiations

The planning agent has provided further information relating to the access onto Halifax Road including visibility splay plans, as well as amending the position of the access. The dwellings were to be semi-detached, however they have been separated as part of the negotiations.

Public Representations

Neighbourhood notification letters were sent out to publicise the application, which expired on 17 January 2024. As a result of the publicity, no representations were received.

Additional neighbourhood notifications were sent out to reconsult on the new plans, there was one representation made.

Full comments can be viewed on the Kirklees planning website. A summary of the planning related comments is as follows;

- Vehicle views from Prospect Terrace onto Halifax Road should remain clear.

Consultation Responses

KC Highways – No objection, see *Impact on Highway Safety* section.

KC Environmental Health – No objection, subject to conditions.

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 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 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

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 unallocated 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 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 70 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. Two dwellings are proposed in this instance, this is considered appropriate as the site is narrow in points and could lead to a cramped form of development.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

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

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places 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."*

Visually the development is acceptable within the building group. There is a blended mix of housing consisting of two-storey dwellings, bungalows and larger buildings with no prevailing pattern of development along or surrounding Halifax Road. Modern dwellings are being constructed to the rear of the site. Additionally larger, historic buildings can be found to the west and east.

The proposed dwellings will form an addition to dwellings on Halifax Road, set back marginally from the existing bungalow, although it follows its general position, they will be set at an acute angle from Halifax Road. The application site has a much larger residential curtilage than other properties in the area, the use of land for housing provides each dwelling with a plot relative to the surrounding dwellings. Although there are other residential dwellings that can be viewed from Halifax Road, only the application bungalow has a garden that borders the road, the provision of front outdoor amenity of a usable size would

not be necessary in this case given the context of the main road. In terms of size, the dwellings are relatable to the adjacent bungalow and its plot.

The proposal would result in usable outdoor space the rear and side of the dwelling on the west given the shape of the plot, division of the garden space has been formed through the incorporation of side space, although the plot to the east has a contrived shaped, there is ample square footage for activities to take place and be usable for the number of bedrooms provided. A garden space for the bungalow will extend from the rear by over ~8.00m with garden space to the side and front remaining leaving a good amount of usable outdoor amenity space.

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.*

There is no set prevailing character within the area, although buildings are generally consistent with traditional styles and materials. There are properties to the west and east which are formed with stone exterior walls, grey concrete tiles and Upvc window feature frames are ubiquitous in the area. In terms of roof style, there are hipped and pitched roof in the area.

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.

The front façade openings relate to the road facing towards Halifax Road, front and rear elevation openings are relative to the size of the façades, with a pedestrian spatial layout.

Hardstanding material is proposed to be laid to the front of the property to provide provisions for car parking, cars will be set back from the road and stored to the side of the houses. There is a front boundary grassed section between the driveway and a border fence. Considering there is only one residential garden, being the bungalow, that is adjacent to Halifax Road, the use of land is suitable for hardstanding material. The plans specify boundary treatment but there is limited information regarding their detailing including height and as such further information is required to ensure visual amenity is protected as well as ensuring there is no detrimental impact on residential amenity or highway safety.

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 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 the application bungalow No 93a & 12 Prospect Terrace.

The proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

Impact on 93a Halifax Road

93a Halifax road is situated to the east of the properties. A ~3.30m distance will be maintained between the properties. The pair of semi-detached dwellings will be ~3.40m taller than the bungalow. In terms of privacy, there are no side windows that face towards the bungalow therefore there will not be a deterioration in privacy relations. The side window on 93a Halifax Road

serves a non-habitable room. As the new dwellings are adjacent to the bungalow's side space, factoring in the separation distance, the proposal will not lead to an overbearing impact, loss of light or material loss of sunlight that would detrimentally affect the occupants of No. 93.

Impact to 12 Prospect Terrace

12 Prospect Terrace is to the west of the dwellings, on an acute angle to the dwellings. There are no side windows proposed, however first-floor windows will have a view of front facing windows of this property. The buildings are orientated away from each other, with the front facing windows of No. 12 being at an obtuse angle to the dwellings, given the angle of outlook, there will not be an impact to privacy. Due to distance, there will not be a loss of light, outlook or an overbearing impact.

Approved development 2023/90299

There is a live application to the rear of the site for redevelopment for two houses. The layout shown would not result in any conflict for residential amenity for either site.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."*

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

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.

<u>Impact on Highway Safety</u>

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."

In terms of parking, 3 bedroom dwellings are proposed, the Kirklees Highways Design Guide SPD states that at least 2 on site-spaces are required for dwellings with more than 2 bedrooms. Each dwelling has two car parking spaces, with an additional of one visitors parking space provided.

KC Highways were consulted on the formation of a new entranceway on to Halifax Road. Additional visibility splays were provided by the planning agent which identified visibility from vehicles when they enter/exit the site would have 43:2.4 splays, although Huddersfield Road is a classified A road, due to its curvature and pedestrian road crossing infrastructure calms traffic at this point to an extent that would be safe. The plans specify boundary treatment but there is limited information regarding their detailing including height, particularly to the site frontage, as such further information is required to ensure there is no detrimental impact to visibility and highway safety.

Bin storage is indicated on the plans to be at the front of the dwelling, however there is sufficient space to the side of the dwellings to allow for them to be stored away from the road.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

<u>Environmental issues</u>

Ground contamination

The Council's mapping shows the proposed development site falls within an area of which is potentially contaminated due to its former use (our site ref: 111/5, 112/5, 75/4 and 109/5). Due to the uncertainty as to whether potential ground contamination will be uncovered when ground works commence, end-use contaminated land conditions are necessary.

Electric vehicle charging point

Electric vehicle charging points are indicated on drawing No. 23-007-31 which will provide facilities for charging electric vehicles and other ultra-low emission vehicles for each dwelling in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group.

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 note regarding construction practices will be attached instead if permission is granted.

Ecology

It is indicated on drawing 23-007-32 that one bat box and one swallow nest bowl will be installed on each dwelling, which fulfils the requirements for Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD.

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.

As set out above, 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 Powers
Application Number: 2023/93587
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 provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the north-west elevation of the side extension at any time.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).

4. Prior to construction of dwelling hereby approved above slab level, details of all the course natural stone of the external walls and concrete tiles of the roofing tiles of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The development shall not be occupied until the bathroom windows in first-floor of the each dwelling in drawing No. 32-007-32, 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. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 23-007-31A are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

8. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.
Reason: This pre-commencement condition is in the interest of visual, residential amenity as well as highway safety, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

9. 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. 189 and 190 of the National Planning Policy Framework.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (9) 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. 189 and 190 of the National Planning Policy Framework .

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (10) 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. 189 and 190 of the National Planning Policy Framework.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). 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. 189 and 190 of the National Planning Policy Framework.

13. 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. 189 and 190 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**
Site plans as existing	23-007-20	-	05/12/2023
Plans and elevations as proposed	23-007-32A	A	12/02/2024
Site Section Elevation Plans	23-007-31B	B	12/02/2024
Access layout plan	23-007-30A	A	15/12/2023
Design and access statement	DAS	-	05/12/2023

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. Further plans seeking amendments to the layout as well as ensuring highway safety were sought and received.