

**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:	2024/62/90225/E
Site Address:	179, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 0RW
Description:	Partial demolition and rebuild of existing dwelling
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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: 15-JUL-2024

Site Description

179, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 0RW is a detached dwelling with a symmetrical traditional stone frontage and red brick extensions to the rear.

The property dates back from pre 1890 and is not listed.

The property benefits from a rear garden which is enclosed by the extensions on site and its own driveway.

The property sits within a large plot which slopes up from the street scene parallel with adjoining land, and faces north towards the street scene and is constructed along the western boundary of the site.

The immediate vicinity of the site is predominantly stone built terrace properties; however, there is some variation to the north of the site.

Description of Proposal

The application is for the demolition of the existing dwelling and the erection of a detached dwelling. The site previously has permission, 2022/92627, with the same description; however the appearance of the proposal has been amended.

The proposal would have a width of 10.1m (the previous application had a width of 12.9m across the northern elevation) with a depth along the eastern boundary of 22.9m (the previous application had a depth of 35.2m).

The proposal would feature a two storey projecting gable end along the northern elevation. This would have a maximum height of 8.2 and the main dwelling 8.6m (7.2m and the main dwelling a maximum height of 7.9m previously)

The previous application included a single storey addition to the southern elevation which has been removed within this application.

The proposal would be constructed with a natural stone frontage along the northern elevation and stone gable ends to the eastern and western elevation. The rest of the dwelling would feature a through colour render finish.

The proposal would have a footprint of 224m² (the previous permission consisted of 383m² at ground floor level).

History of negotiations/amendments received

N/A

Relevant Planning History

2004/91247: Erection of two storey extension. Withdrawn
2004/92511: Erection of two storey extension. Conditional full permission
2011/90013: Erection of two storey extension. Conditional full permission
2012/90986: Erection of two storey extension Condition full permission.
2022/92627: Demolition of existing dwelling and erection of detached dwelling. Conditional full permission

Representations

We are currently undertaking the legal 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, a site notice and a press notice.

No comments were received.

Consultation Responses

Formal consultations have not been undertaken with Ecology, KC Highways or KC HSE as the application is similar in principle to recent permission (2022/92627). Therefore, the previous comments are considered relevant to this current proposal.

The consultations on the previous application were as follows:

K.C. Highways Development Management – no objections

K.C. Environmental Health – Pollution & Noise Control – no objections subject to conditions relating to contaminated land

Ecology- requested additional information regarding bats

KC HSE – Does not advise against the granting of planning permission.

Policy

The site is without notation on the Kirklees Local Plan although is noted to fall within an area at low risk of ground movement as a result of former mining activity and a bat alert layer.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP3** – Location of Development
- **LP7** – Efficient and effective use of land and buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 21** – Highways safety

- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD
- The Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided.

Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The proposed replacement dwelling would see the site remain at a lower density than 35 dwellings per hectare. However, given the nature of the proposal is to replace an existing dwelling it is considered that in this case it would be unreasonable of the LPA to insist upon a higher density of development in this case.

Taking account that the site is without notation on the Local Plan and the fact the development would see the replacement of an existing dwelling. It is considered that in this case the principle of development would be acceptable.

2 – Impact on visual amenity:

Kirklees Local Plan policies LP1, LP2, LP11 and significantly LP24 all 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...” and “
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Policies within chapter 12 of the NPPF set out that development should be of an acceptable design. Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Principle 2 of the Housebuilders Design Guide 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.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

179 Lees Hall Road is a detached dwelling in a fairly large plot, the overall size of the plot is 1288m, and the property is currently set back from the road by 17m.

It has been previously highlighted that there is an existing permission on site.

Policy LP24 of the Kirklees Local Plan makes specific reference to the form, scale, layout and details of a proposal. It is considered that, the existing

dwelling is substantial in scale and therefore a large development would not be out of keeping with the plot.

The proposed revisions to the design on the principle elevation of the scheme are a welcomed addition as they better reflect the design of the original dwelling and prevailing character of the area.

The revised plans increase the maximum height of the dwelling compared to the original permission; however, it is considered that a 30cm increase would be marginal in this instance given the scale of the development overall. It is considered that the design of the roofline would draw similarities from developments within the vicinity.

Principle 2 of the House Builders Design Guide refers to the building line and states 'Consideration should be given to the existing building line and how new development, particularly on infill sites, can provide a continuation of the building line'. The existing dwelling sits forward of development along Highfield Terrace.

The submitted plans detail that the proposal would be set back within the plot which would be beneficial in reducing the proposals prominence in the street scene and appearing more subservient in its plot.

The use of stone on the principal elevation of the proposal would be retained the same as the previous permission and assist the proposal with its integration with the prevailing character of the area, the street scene and existing development. There are examples of render within the vicinity which is reflected in the proposal's material palette. As the addition of render would not be on the principal elevation of the dwelling, it is considered that it would be of reduced prominence and not detract from the character of the area.

It is considered that there is suitable space to the front of the property and onsite ensure a suitable level of parking and provision of soft landscaping. In the event of any grant of permission it is recommended that a condition is attached to any decision for details of to be submitted in regards to landscaping to ensure a suitable layout.

In addition, it is noted suitable waste storage could be undertaken and secured by condition and the development would have an acceptable visual impact in this regard.

The proposal is considered acceptable in accordance with Policy LP24 of the Kirklees Local Plan, Principle 2, 12, 13 and 15 of the Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Principle 6 of the House Builders Design Guide sets out 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.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015). Principle 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

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."

12 Long Causeway adjoins the application property to the south.

Overlooking: The proposal would feature two rear facing windows relating to a games room and a master bedroom. These windows would be secondary as the aforementioned rooms would have fenestration on the western elevation. It is considered that these windows would not intercept the private amenity space of the occupiers of no.12 and no.12 does not feature any side facing windows. Therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light: The proposal would not be situated within the vertical 45 degree visibility splay of any habitable rooms at no.12.

Overbearing: The proposal would not intercept the private amenity space of no.12 and is therefore considered to have an acceptable impact.

179A Lees Hall Road: adjoins the application site to the south west.

Overlooking: There would be approximately 21m between the proposed dwelling and the side elevation of no.179A and no direct relationship between the properties. Therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: There would be sufficient separation distance between the proposed dwelling and no 179A to not raise any significant concerns regarding overshadowing/loss of light/overbearing.

181 Lees Hall Road: is situated to the north west of the application property.

Overlooking: No.181 has one side facing window which would be in line with the front of the proposed dwelling. As there is a road between the two properties and not a direct relationship between the existing window of no 181 and the proposed front elevation of no.179, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposed dwelling would be situated south east of 179 and be of similar scale to the existing dwelling; therefore, it is considered no significant issues would arise regarding overshadowing/loss of light/overbearing.

20, 22 and 24 Honeysuckle Drive: adjoin the application site to the east. The rear of the dwellings face onto Highfield Terrace. There is currently approximately 20m between the rear of the dwellings and the application site and they are predominantly screened by mature vegetation.

Overlooking: Due to the proposal being set further into the plot away from Highfield Terrace than the existing dwelling, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would be situated a significant distance from the rear elevation of these properties and largely occupy the same footprint as the existing dwelling; therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

In this case, the existing access will be retained as part of the development and the submitted site plans show the parking layout associated with the development to have space for four parking spaces; however, specific details have not been provided of these and a minimum of three would be required to meet the aims of policies LP21 and LP22 of the Kirklees Local Plan.

It is considered this could be addressed by the inclusion of a condition relating to parking / landscaping of the site which would ensure suitable parking provision was provided.

Subject to conditions it is considered the development would meet the aims of Policies LP21 & LP22 of the Kirklees Local Plan, policies within Chapter 9 of the NPPF, Highway Design Guide and principles 12 & 19 of the Council's adopted Housebuilders Design Guide.

5 – Other matters:

Carbon Emissions –

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-

dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Previously, it was recommended that any grant of permission requires the provision of one electric vehicle charging point, to improve the emissions impact of vehicles associated with the dwelling. However, since this permission, there has been an alteration to the legislation which means this matter would now be picked up by building regulations. Whilst there would be a level of carbon emissions involved in the demolition and construction phase it is considered the impact of the development would not be significant in this regard.

Biodiversity

Principle 9 requires that net gains in biodiversity are provided. The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

It is considered that there is scope for a number of biodiversity enhancements which could be incorporated as part of the development. It is recommended this is ensured through the inclusion of a suitably worded condition upon any grant of permission. Subject to condition the proposal is considered to be acceptable in this regard.

Bats

KC Ecology has not been formally consulted on this application; however, they were consulted on the previous application and there has not been a change in legislation since. As a bat survey was not submitted to support this application, it is considered this could be addressed by the use of a pre-commencement condition on the application.

Coal Mining Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 184 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed

consultation response. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

Contaminated land and Health and Safety

KC Environmental Health have been consulted on the application and due to the site's location within a Low Risk Coal Area and in close proximity to a HP Gas pipeline. Previously, their comments were that ' The site is not on land identified on our mapping systems as potentially contaminated, it is however in an area with a coal mining legacy and close to land identified as; 1854 coal pits 6inch 1922 brick works/Inghams pit 25inch 1937 reservoir/coal pits/Ingams pit 25inch 1948 pumping station 6inch 1955 Inghams pit 6inch 1966 mine (disused)/mine 6inch 1974 opencast coal working DLS (site ref: 56/11). The risks associated with this legacy should be assessed to protect the amenity of construction staff and future occupiers, we therefore recommend conditions. Pre-commencement conditions have been recommended as a result.

A phase one desk study has been provided during the course of this application which removes the need for the first part of this condition; however, it has been agreed with the agent that the remaining conditions shall be retained.

Public Right of Way

The site is adjacent to a bridleway, DEW/21/20 and has been advertised as such. The revised layout would be contained within the site and would not intercept the path; however, a note will be added to the decision notice advising the applicant of the proximity of a path.

6 – Representations:

The application was publicised via neighbour notification letters, a site notice and a press notice which expired on the 2.05.24. No representations received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Housebuilders Design Guide SPD, the National Planning Policy Framework and other material considerations.

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.

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: 2024/90225

Officer Recommendation: Approve

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, LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP47, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021) and Highway Design Guide SPD (2019).

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external materials including walls, roofs, doors, windows, surfacing, rainwater goods and colour finishes to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, the Housebuilder's Design Guide SPD and guidance contained within the National Planning Policy Framework.

4. A sparrow terrace nest box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development

Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and the National Planning Policy Framework.

5. A bat box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development

Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and the National Planning Policy Framework.

6. Notwithstanding the approved details, prior to development commencing on the superstructure of the dwelling hereby approved, details of the arrangements for the parking of a minimum of three vehicles will be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. The approved scheme shall thereafter be retained / maintained for the lifetime of the development.

Reason: To ensure a suitable access and layout in the interests of highway safety to accord with policy LP22, LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

7. Prior to development commencing on the superstructure of the dwelling hereby approved, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In this interests of visual amenity, ensure a satisfactory site layout and to accord with Local Plan Policy LP24 part d(vi)

8. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP22 of the Kirklees Local Plan.

9. 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) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD (2021).

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, development shall not commence until a Remediation Strategy 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

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 works on site (save 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP 53 of the Kirklees Local Plan and Chapter 15 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 Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the Local Planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a

Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to commencement of development on site, a preliminary bat roost Assessment for the entire application site, shall be carried out by a licensed bat surveyor between May-September. No development shall commence (including any demolition) until the assessment has been submitted to and approved in writing by the Local Planning Authority and any further requirements to obtain a bat mitigation licence (European Protected Species Mitigation Licence) from Natural England secured. If a licence from Natural England is required, no development, including demolition, shall commence until details of the licence have been submitted to and approved in writing by the Local Planning Authority. The development, including demolition, shall thereafter be carried out and retained in accordance with the recommendations set out within the assessment and any licence from Natural England.

Reason: Bats and their roosts are protected under national and international law. There is a reasonable likelihood that bats could be roosting in the existing buildings on site. The developer must take appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on bats in their development prior to the commencement of development in accordance with Circular 06/2005, under the Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981. This is also in accordance with the requirements of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre-commencement condition that will allow for investigations to be undertaken and assessed, to establish the exact situation regarding bats at the site.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.

Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan. and the provisions of the Housebuilders Design Guide SPD (2021).

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or

obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents

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

NOTE: Public footpath DEW/21/20 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	22243 rev:B		11.05.23
Existing and proposed elevations	22243 D03 REV:B		11.05.23
Proposed Block Plan			17.05.23
Climate change statement			
Design and access statement			

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. No alterations required.

