

**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: 2019/62/93591/E

Site Address: 115, Northway, Mirfield, WF14 0LT

Description: Demolition of side extension and erection of attached dwelling

Recommending Officer: Liz Chippendale

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.

Julia Steadman

AUTHORISED OFFICER

Date: 20-Jan-2020

OFFICER REPORT

Site Description

The application site comprises an end of terrace, two storey brick built dwelling with single storey side extension, at 115 Northway, Mirfield. The dwelling has a large enclosed rear garden with off-street parking and detached garage to the rear accessed via Taylor Hall Lane.

The site is set within a predominantly residential area with residential dwellings of a similar style and design.

Description of Proposal

The application is sought for the demolition of the existing single storey side extension and the erection of a two storey, end terraced dwelling.

The proposed dwelling has a pitched roof at a ridge height of 7.1m and eaves height of 3.6m. The width of the dwelling is 7.1m with a depth of 6m to correspond with 115 Northway to which the dwelling will be attached.

The proposal will provide 2 no. off street parking spaces for the proposed dwelling and existing at 115 Northway using the existing access from Taylor Hall Lane.

The existing large garden will be divided centrally to provide private amenity space for each dwelling.

History of negotiations/amendments received

The applicant was approached to submit amended plans to show the location of the bin collection points and revised position of the required 4 no. off street parking spaces. These details were submitted and considered to be acceptable.

Relevant Planning History

2019/20089	Pre-app advice given for the erection of an end terrace dwelling
2015/90153	Erection of detached dwelling Refused – Appeal dismissed
2003/91721	Erection of ground floor extension Conditional Full Permission

Representations

Final publicity date Expires: 17.12.2019

No representations were received during the public consultation period.

Mirfield Town Council – *No Comment*

Consultation Responses

K.C Highways Development Management – *No objection following receipt of amended plan*

K.C Environmental Health – *No objection subject to condition*

The Coal Authority – *No objection*

Environmental Strategic Waste – *No Objection subject to condition*

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 within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 24** – Design
- **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 24th July 2018, 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 5** – Delivering a sufficient supply of homes
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Guidance/documents:

Highways Design Guide Supplementary Planning Document

Mirfield Design Guide (2002)

Neighbourhood Plan - The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at:

<http://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

Assessment

Principle of development:

Policy LP1 of the KLP states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

The application has no specific allocation within the Kirklees Local Plan. As such Policy LP 24 of the KLP is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Impact on visual amenity:

Policy PLP24 of the KLP states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).

The application site is bordered by residential development to all boundaries, where the immediate neighbouring properties on Northway are two storey terraced and semi-detached dwellings.

The proposed end terrace dwelling will mirror the design and scale of the neighbouring dwellings with corresponding fenestration and construction

materials. The dwelling will follow the ridge and eaves line to complete the row of terraces.

The proposed dwelling is considered to have adequate space about the dwelling to allow for generous garden space for both the proposed dwelling and existing dwelling at 115 Northway. The existing hedge adjacent to Taylor Hall Lane and Northway will be retained.

The use of brick and tiled roof is considered to be acceptable within the street scene and will be conditioned as such.

For the reasons outlined above, the proposed dwelling is considered to be appropriate from a visual amenity perspective. The proposal therefore complies with Policies LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The closest neighbouring residential dwellings to the application site are 115 Northway; 56 Taylor Hall Lane; 114 Northway and 21/13 Chestnut Meadows.

115 Northway is the host dwelling and would be attached to the proposed dwelling to the West. The proposed dwelling would be the same scale and built flush with both the front and rear elevations. There is an existing ground floor window with the East elevation of the original building of 115 Northway which would be removed as a result of the development. However, this window appears to be a secondary window as such there would be a minimal loss of light/impact on residential amenity. There would be considered to be no further impact on residential amenity.

65 Taylor Hall Lane is a two storey semi-detached dwelling set to the South of the application site. There are no windows within the North elevation of the dwelling. There is a distance of approximately 17m between the rear elevation and the boundary of 65 Taylor Hall Lane, which would extend no closer to this neighbouring property than the existing no.115 Northway. In addition, the properties would also be separated by parking areas serving both dwellings as part of this development. Furthermore the new parking area associated with the proposed development would be immediately adjacent to the driveway that serves no.65 Taylor Hall Lane. As such, there is considered to be no impact on residential amenity.

114 Northway is a two storey semi-detached dwelling set to the North West of the site built at an angle facing away from the site frontage. Due to the

existing relationship; angle of the neighbouring dwelling and separation distance there is considered to be no undue impact on residential amenity.

21 and 23 Chestnut Meadows is a two storey building containing 2 no. flats located to the North East of the application site. There is a separation distance of 21m which is separated by Taylor Hall Lane. There are no windows proposed within the East elevation of the proposed dwelling. As such, there is considered to be no impact on residential amenity.

It is considered that the proposed dwelling would not impact upon the residential amenity of any occupants of neighbouring properties of future occupiers and complies with guidance within Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF

Impact on highway safety:

The proposed dwelling fronts Northway with off-street parking access via an existing access from Taylor Hall Lane which has existing visibility splays of 2.4m x 43m which are considered to be acceptable.

During the course of the application, amended plans were sought in order to achieve a suitable parking layout within the application site. As with the original proposal, the proposed parking area would be shared between the existing no.115 Northway and the proposed dwelling, but now proposes a tandem parking layout, providing two parking spaces per dwelling. This revised layout and parking provision is considered to be acceptable.

The location of the bin collection point is considered to be a suitable position in order for the acceptable removal and access for waste collectors.

The applicant has confirmed that the proposed gate has been removed from the proposal and so the proposed condition relating to gates is not required as confirmed by Highways DM in their consultation response relating to the amended plan.

The proposed development is therefore considered to be in compliance with policy LP21 and LP24 of the Kirklees Local Plan, as well as the Highways Design Guide, subject to the addition of conditions relating to the surface and drainage of the parking surfaces.

Representations

No representations were received throughout the public consultation period.

Other Matters

Coal Mining Legacy

The application site falls within a development high risk area as such, a Coal mining risk assessment by JNP group reference B20378 was submitted to support the application.

The Coal Authority consider that based on the review of the existing mining information within the report and that held by the Coal Authority, The Coal Authority concurs with the recommendations within the report that site investigations would not be necessary as the report demonstrates that the site is safe and stable for the proposed development. The proposal is considered to comply with the aims of chapter 15 of the NPPF in this respect.

Environmental Strategic Waste

Landfill gas (LFG) emissions were recorded on nearby tipped sites (Sw0265 Taylor Hall Lane and SW023 Old Bank Road) following the most recent monitoring exercises.

As the application site is within close proximity of the Taylor Hall Lane site (approximately 38m) where landfill gas emissions were recorded, it is recommended by Officers that conditions should be added to secure the following:

- The sealing of below ground ducts and service entry points
- Ventilation to cavities adjacent to or below ground level
- A gas impermeable membrane incorporated into the sub-floor base

The inclusion of such conditions would ensure that the proposals would comply with the aims of chapter 15 of the NPPF.

Land Contamination

The site has been identified on the Kirklees mapping system as potentially contaminated land due to its proximity to former quarries and an infilled reservoir. A series of conditions will be added to secure further investigation works at the site so as to comply with the aims of policy 53 of the KLP and chapter 15 of the NPPF.

Climate Change and Air Quality

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.

The development has been assessed in accordance with the West Yorkshire Low Emission Strategy planning guidance and the climate change agenda, a condition is required for the installation of one vehicle charging point.

Conclusion

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

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

Recommendation – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2019/93591

Officer Recommendation: Conditional Full Permission

Conditions and Reasons:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24 and LP53 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. 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.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

4. Prior to occupation of the dwelling, an electric vehicle charging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle charging point so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and so as to contribute towards the Council's target for achieving 'net zero' carbon emissions by 2038 in response to the climate change emergency, in accordance with guidance in the National Planning Policy Framework.

5. The dwelling hereby approved shall be faced in red brick and pan tiles for the roofing to match those used on no.115 Northway, Mirfield. The materials shall then be retained.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

6. 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) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings.

7. Where further investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6. Groundworks (other than those required for a site investigation report) 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 identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings.

8. Where remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks 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 identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 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 identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the East elevation of the dwelling hereby approved.

Reason: So as not to detract from the amenities of occupants of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

11. Below ground drainage ducts and service entry points shall be sealed where they enter the building.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Cavities adjacent to or below ground level and trenches serving the items referred to in condition 12 shall be ventilated.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. A continuous gas impermeable membrane shall be incorporated in the sub-floor base.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Notwithstanding the submitted plans and information, full details of all boundary treatments, including their height and material, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling hereby approved. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

NOTE: Charging points for single residential properties should meet the requirements specified in the latest version of 'Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)' by the Office of Low Emission Vehicles. Cable and Circuitry ratings for the charging points of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps that can provide Mode 3 Charging and has a type 2 socket would be acceptable

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which written permission of the Council as the Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regards to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings with the highway is deemed to be major works for the purpose of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing plans	001	-	06.11.2019
Proposed plans	002	B	18.12.2019
Design and Access Statement dated November 2019	-	-	06.11.2019
Coal Mining Risk Assessment JNP Group dated 25 th February 2015	B20378	-	06.11.2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The applicant was approached during the course of the application to submit an amended plan showing an additional off-street parking space and a revised parking layout.

Report Dated: 17.01.2020