

**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: 2020/62/93637/E

Site Address: Land Adj, 41, Stocks Bank Road, Mirfield, WF14 9QB

Description: Demolition of clubhouse and erection of detached dwelling with associated external works

Recommending Officer: Sarah Longbottom

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.

Paul Dowd

AUTHORISED OFFICER

Date: 13-Aug-2021

Officer Report

Site Description

The application site comprises a single storey building on Stocks Bank Road (roof removed), sited at a lower level than the road. A public footpath (MIR/35/10) runs down the western boundary of the site to Huddersfield Road. Immediately to the west of the site is a block of stone back-to-back properties, whilst to the east is a domestic garage. The immediate locality is predominantly residential in nature, having no distinct character.

Description of Proposal

Permission is sought for the demolition of the existing building and erection of one dwelling. This would have a split-level appearance, having 2 ½ storeys to front, and 3 ½ storeys to the rear, with a flat-roof projecting element to the rear. The dwelling would be faced in a combination of materials (buff and dark brick, projected brick detail, with concrete roof tiles).

Access would be taken directly from Stocks Bank Road to a double width driveway, leading to an integral garage.

History of negotiations/amendments received

Through the course of the application, the applicant was asked to clarify matters relating to land ownership, in addition to providing amended plans to address residential amenity and highway safety concerns.

Relevant Planning History

10/90483 – Erection of 3 residential apartments and demolition of existing sports club – approved

03/92283 – outline application for erection of three storey dwelling – approved (not implemented)

Representations

The application was publicised by site notice, neighbour notification letter and a press advertisement. As a result of site publicity, 27 representations were received from 23 individuals (26 in objection and one in support). Several these were from 5 households. The application has been discussed with the Chair of the Heavy Woollen Planning Sub-Committee, who has confirmed that the application can be determined under delegated powers. No request for a Committee decision has been received from the ward members.

Amended plans were sought from the applicant during consideration of the application. As these addressed residential and visual amenity and highway safety concerns, these were not re-advertised.

The concerns raised in relation to the original plans are summarised as follows:

Residential Amenity

- The development would be overbearing and disturb the view and privacy for several families
- Proposed veranda will result in overlooking
- The rear back-to-back properties adjacent to the site would be completely overlooked

Visual Amenity

- The development would result in overdevelopment of the site in terms of width and height
- Proposed development will not be in keeping with surrounding properties

Highway Safety/Impact on Public Right of Way

- Proposals will exacerbate existing parking issues
- The plans show the driveway to be level with the highway but on site there is a slope down from the highway to the existing building
- There is inadequate space on the proposed driveway for bin storage
- Concern that, should permission be granted, the development could increase in bedrooms and the lower ground floor could become an apartment, requiring more parking provision
- There has been no consideration to the PROW, which will likely create a wind tunnel and invite anti-social behaviour

Other Matters

- Issue with Site Notice and deadline for comments
- Safety concern regarding the drop down from the eastern side of the driveway; no details of a retaining wall/safety feature are shown on the submitted plans
- Do not consider there to have been a commencement of the previous approval. In addition, no notice was served on relevant landowners and pre-commencement conditions were not discharged

- Development will result in disruption due to dust, dirt, construction noise and traffic
- Ownership issues
- The submitted plans are misleading in regard to the footprint of the development, which was approved previously
- The development will remove 3 to 4 trees and does not propose replacement planting
- Query how the dwelling will be constructed with adequate footings/foundations
- Query where parking for construction vehicles will be located.

The representation in support states the following:

- The development will tidy-up an unused area, which is an eyesore
- Support the use of the site for one house instead of the previously approved 3 apartments
- The design appears contemporary and similar to two nearby developments along the road

Mirfield Town Council was notified of the application. However, no comments were received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways DM: No objections, following receipt of amended plans

KC Ecology: No objections

KC Environmental Services: Recommend imposition of conditions

KC Trees (informal): No objections; existing trees are not worthy of protection.

KC Strategic Waste: The site is located within 250m of two former landfill sites. . During the last shallow spike surveys in 1993 and 2003, no methane (CH₄) levels were detected and carbon dioxide (CO₂) levels at the nearby historic landfill sites were very low. However, the applicant may wish to consider carrying out landfill gas monitoring prior to development, to establish whether landfill gas levels are present. If significant levels are discovered,

appropriate mitigation measures shall be included in carrying out the development, to protect against hazard caused by landfill gas migration.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Ecology
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** - Land contamination

House Builder Design Guide Supplementary Planning Guidance

Kirklees Council has recently adopted its supplementary planning guidance on design guidance for house builders. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of planning applications for new dwellings, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of area and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF, published 20th July 2021, and 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 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Other guidance

Technical housing standards - nationally described space standard

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

Paragraph 11 of the NPPF and policy LP1 of the KLP 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.

The site is unallocated on the KLP. This is supported by policy LP1 of the KLP and chapters 1 and 5 of the NPPF, which establish a general principle in favour of residential development.

In respect of housing land supply, as set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the KLP was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the KLP (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost, significantly, the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 69 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area

and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...

“support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”. The development site forms a small plot within a predominantly residential area. Although the Local Planning Authority can demonstrate a five year land supply, the development of this windfall site could contribute to the housing delivery by providing four dwellings, likely to be built fairly quickly.

Policy LP7 of the KLP and chapter 11 of the NPPF establish a need to provide appropriate densities of dwellings. Policy LP11 of the KLP and Chapter 5 of the NPPF seek to ensure an appropriate mix of dwelling types and sizes.

The application site comprises previously developed land. Permission was previously granted for a development of 3 apartments on the site. The current development comprises one dwelling, however given the site area of 158 sq m, the provision of one dwelling is considered appropriate in this instance.

2 –Impact on visual amenity:

Relevant design policies include policies LP2 and LP24 of the KLP and chapter 12 of the NPPF. These policies seek for development to harmonise and respect the surrounding environment, with policy LP24 (a) stating; *‘[Proposals should promote good design by ensuring]: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*

The principal elevations of the proposed development would be located to the north-east and south-west. As the building would be separated from Stocks Bank Road by the driveway, it is considered that it would not appear incongruous within the street scene. This is evidenced by a street scene plan submitted by the agent. Furthermore, the existing character of the building line is varied.

The dwelling would have a contemporary appearance, constructed of a combination of materials, which are considered to be appropriate in this context, where both traditional and modern house types exist alongside each other. There is no uniform character within the locality, with terraced, semi-detached and detached properties with varying footprints and layouts located along Stocks Bank Road. In addition, the existing character of the building line is varied. Furthermore, two developments comprising a similar design concept have been approved close to the site in recent years (1 dwelling adjacent 93 Stocks Bank Road and 2 dwellings at 97 Stocks Bank Road).

In summary, the proposed development is considered acceptable in visual amenity terms, in accordance with policy LP24 of the KLP and guidance contained within chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 (b) and (c) of the KLP 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 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In this case, the nearest properties, which could be affected by the proposed development are 41/43 Stocks Bank Road to the north-west, and 8 Back Lane to the south-east. Nos. 74 and 76 Stocks Bank Road are located further north, separated by the road itself.

The principal elevations of the dwelling would be located to the front and rear (north-east and south-west) with an area of private amenity space to the rear. Through the course of the application, the applicant was asked to omit a terrace to the western elevation of the dwelling, to prevent a loss of privacy to the adjacent property No.41/43 Stocks Bank Road.

Adequate separation distances would be achieved between the proposed development and existing development, due to the siting of the dwelling within the plot. Furthermore, approximately 10m would be retained between the main part of dwelling and the boundary with the amenity space of 8 Back Lane, to the south-west. As a result, officers consider that the proposed development would not have a significant detrimental impact on residential amenity by reason of overlooking to neighbouring properties.

The proposed development would be set back in relation to No.41/43 Stocks Bank Road and, therefore, part of the dwelling would be located alongside the garden of that property, albeit separated by the public right of way. It is acknowledged that some overshadowing to that garden would occur due to the proposed development. However, due to the orientation of the site to the east of the neighbouring property, this would be confined to the earlier part of the day, and is also mitigated, to some extent, by the provision of the single storey element of the proposed dwelling. As such, this relationship is considered acceptable, and would not be sufficient to substantiate a reason for refusal.

With respect to the standard of amenity provided for future occupiers of the development itself, this would accord with the Technical Housing Standards - Nationally Described Space Standard.

Therefore, the proposed development would have an acceptable impact upon residential amenity, in accordance with policy LP24 of the KLP.

4 – Impact on highway safety:

The site is accessed directly from Stocks Bank Road, which serves predominantly residential properties. The proposed access would be sited in a similar position, leading to a double width driveway and an integral garage.

Visibility at the access, for exiting the site, is adequate in both directions.

Bin storage and the collection point have been presented in a suitable location and they will not be obstructed by cars parking on the driveway.

The adjacent PROW will not be affected by these proposals.

Based on the above, subject to the imposition of conditions relating to the submission of surfacing and drainage details and information, the proposals would be in accordance with policies LP21 and LP22 of the KLP and are considered acceptable from a highways perspective.

5 – Other matters:

Ecology

The existing building on the site is in a state of disrepair and is considered to contain no bat roost features. To ensure the development incorporates a degree of biodiversity net gain, it would be reasonable to require an integral bat roost to the southern elevation of the building, in accordance with policy LP30 of the KLP. This can be secured by condition.

Climate Change

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 predates 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.

Given the scale and nature of the development, officers consider it reasonable to seek the provision of one electric vehicle charging point on the site. The location of a charging point is shown on the submitted site plan and the specification of this will be secured by condition, to ensure that the development accords with policy LP51 of the KLP.

Contaminated Land

The site is identified on the Council's mapping system as being potentially contaminated due to its proximity to a former quarry. On this basis, it would be necessary to impose conditions, should permission be granted, requiring

further investigation with respect to ground conditions, in accordance with policy LP53 of the KLP.

The site is located within 250m of two former landfill sites. During the last shallow spike surveys in 1993 and 2003, no methane (CH₄) levels were detected and carbon dioxide (CO₂) levels at the nearby historic landfill sites were very low. However, a footnote is recommended, advising the applicant that they may wish to carry out landfill gas monitoring prior to commencement of development, to ascertain whether appropriate mitigation measures are required to protect against hazard caused by landfill gas migration.

Impact on Public Right of Way

The proposed building would be located adjacent the existing public right of way, the recorded width of which is 3.7m. The existing building has narrowed this width and the Council's public rights of way unit have commented to state that they would not wish to see this narrowed further. It is acknowledged that the previous approval established the acceptability of a building in this location. The current submission indicates that the PROW would be unaffected by the proposals. As such, the width of the PROW, as it is at present, would remain unchanged.

It is acknowledged that the PROW serves as access to neighbouring residential properties and, therefore, a condition would be necessary to require submission of details, to protect users of the public footpath through the construction process.

The applicant would have to apply through separate process for any temporary closure of the PROW.

Trees

The site contains a cluster of trees close to the site boundary with Stocks Bank Road. These would need to be removed to facilitate the development. These trees are not worthy of protection and the Council's trees officer raises no objection to their loss.

6 – Representations:

The comments raised in representations are addressed as follows:

Residential Amenity

The development would be overbearing and disturb the view and privacy for several families

Response: The impact of the development on residential amenity is addressed in section 3 above.

Proposed veranda will result in overlooking

Response: The proposed development does not include a veranda. There is a green roof to the single-storey element of the building. However, no access

is available onto this. A small terrace to the western elevation of the building was removed through the course of the application.

The rear back-to-back properties adjacent to the site would be completely overlooked

Response: No windows are proposed to the western elevation of the development and, as such, no overlooking would occur to these properties.

Visual Amenity

The development would result in overdevelopment of the site in terms of width and height

Response: The impact of the development on visual amenity is addressed in section 2 above.

Proposed development will not be in keeping with surrounding properties

Response: The impact of the development on visual amenity is addressed in section 2 above.

Highway Safety/Impact on Public Right of Way

Proposals will exacerbate existing parking issues

Response: The proposals have been assessed by KC Highways DM who raised no objections.

The plans show the driveway to be level with the highway but on site there is a slope down from the highway to the existing building

Response: This is noted.

There is inadequate space on the proposed driveway for bin storage.

Response: Through the course of the application amended plans were received. KC Highways DM were re-consulted and confirmed that the bin storage arrangement indicated on the amended plans was acceptable.

Concern that should permission be granted, the development could increase in bedrooms and the lower ground floor could become an apartment, requiring more parking provision

Response: The off-street parking provision shown on the amended plans is considered sufficient to serve a larger dwelling. However, any subdivision of the development to form an additional residential unit would require a separate application for planning permission, which would be assessed on its own merits.

There has been no consideration to the PROW, which will likely create a wind tunnel and invite anti-social behaviour

Response: This is addressed above.

Other Matters

Issue with Site Notice and deadline for comments

Response: The application was publicised in accordance with statutory requirements (in this case by site notice, neighbour notification letters and press advertisement).

Safety concern regarding the drop down from the eastern side of the driveway; no details of a retaining wall/safety feature are shown on the submitted plans

Response: Should permission be granted, a condition is recommended requiring the submission of details of the siting, design, structural calculations and materials to be used in the construction of retaining walls/ structures.

Do not consider there to have been a commencement of the previous approval; in addition no notice was served on relevant landowners and pre-commencement conditions were not discharged

Response: This is noted. At the time of the Officer's site visit the roof of the existing building had been removed. Although it is not known when this took place, the building was in some state of disrepair at the time of the previous application. As the pre-commencement conditions of the previous 2010 approval were not discharged, it is considered that the previous approval has not been implemented. However, it is a material consideration in the assessment of the current application.

Development will result in disruption due to dust, dirt, construction noise and traffic

Response: Whilst some disruption is an inevitable part of the construction process, it would be reasonable to impose a footnote relating to the hours of construction and a condition requiring a construction management plan, should permission be granted.

Ownership issues

Response: Concerns have been raised that some of the land within the red line boundary is in third party ownership. However, no documentary evidence has been submitted to support this. The applicant's agent has been made aware of this and maintains that the correct ownership certificate has been submitted with the application. This is a legal declaration.

The submitted plans are misleading in regard to the footprint of the development, which was approved previously

Response: This is noted. Officers have assessed the application on its merits, also having regard to the previously approved plans forming the earlier submission.

The development will remove 3 to 4 trees and does not propose replacement planting

Response: The trees to be removed are not protected, are not worthy of protection and could be removed at any time.

Query how the dwelling will be constructed with adequate footings/foundations

Response: This matter would be addressed at the Building Regulations Stage.

Query where parking for construction vehicles will be located

Response: A condition is recommended requiring a construction management plan, should permission be granted.

7 – Conclusion:

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

The proposals would result in the provision of one dwelling on previously developed land, within a predominantly residential area, which would have no significant detrimental impact upon residential or visual amenity or highway safety.

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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/93637

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan.

3. The external facing and roofing materials of the development hereby approved shall accord with the details included on plan refs (30)001 REV B and (30)002 REV B, and shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highway have been approved in writing by the Council's Highways Structures team. Thereafter the development shall not be brought into use until the approved works have been constructed. The approved works shall be maintained thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway, in accordance with Policy LP21 of the Kirklees Local Plan.

5. 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, in accordance with Policy LP24 of the Kirklees Local Plan.

6. Before the electrical system is installed, one electric vehicle charging point shall be installed as indicated on plan ref (20) 002 REV B. The electric vehicle charging point installed shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space

- Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

7. 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: This is a pre-commencement condition to ensure that appropriate information is provided at an appropriate stage with respect to the suitability of the site to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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: This is a pre-commencement condition to ensure that appropriate information is provided at an appropriate stage with respect to the safety and stability of the site to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, 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: This is a pre-commencement condition to ensure that appropriate information is provided at an appropriate stage with respect to the safety and stability of the site to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 that the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

11. 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. 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

12. An integral bat roost feature shall be incorporated within the southern gable of the development hereby approved, and thereafter retained.

Reason: To ensure the inclusion of biodiversity net gain proportionate to the scale of the development, in accordance with Policy LP30 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

13. 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 or alterations included within Classes A or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that unsatisfactory extensions do not result in close overlooking of adjoining properties, in accordance with Policy LP24 of the Kirklees Local Plan

14. Notwithstanding the submitted details, a scheme for the protection of public users of footpath Mirfield 35/10 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted scheme shall address how public safety is to be ensured during works (including any demolition, construction and excavation). The applicant may consider including details of measures such as signing, guarding, surface protection, use of banksmen around operations including plant use, laying of services, in addition to the delivery, loading, unloading, storage and movement of materials on site. The approved scheme shall thereafter be implemented and retained throughout the period of the works.

Reason: Such information is fundamental prior to development commencing to ensure the amenity and safety of users of the public footpath Mirfield 35/10 throughout the period of development, in accordance with Policy LP23 of the Kirklees Local Plan.

15. Notwithstanding the submitted details, prior to development commencing, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Frequency of deliveries throughout the construction period
- Assurance deliveries will not take place in peak traffic hours
- Details of construction staff parking

The approved scheme shall thereafter be operated throughout the construction period. **Reason:** To ensure the surrounding road network in the interests of highway safety, and in the interests of the amenity of neighbouring residents, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan

NOTE: Public footpath Mirfield 35/10 runs adjacent to the 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 01484 221000 and ask for Sharon Huddleston.

NOTE It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225616 who can advise further on this matter

NOTE The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays,

08.00 to 13.00 hours, Saturdays,

with no noisy activities on Sundays or Public Holidays.

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 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 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE The applicant is hereby advised that the site lies within 250m of two former closed landfill sites. During the last shallow spike surveys in 1993 and 2003, no methane (CH₄) levels were detected and carbon dioxide (CO₂) levels at the nearby historic landfill sites were very low. Bearing in mind the distance of the site from the generation source, the development proposed, it is considered that no land fill gas measures are required in this instance. However, the applicant may wish to carry out a land fill gas survey, in any case.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Site Location Plan	(EX) 001		03.11.2021
Proposed Site Layout Plan	(20) 002	B	16.03.2021
Proposed Elevations	(30) 001	B	16.03.2021
Proposed Elevations	(30) 002	B	16.03.2021
Proposed Floor Plans	(20) 001	B	16.03.2021

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 has, 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. Through the course of the application, the applicant was asked to clarify matters relating to land ownership, in addition to providing amended plans to address residential amenity and highway safety concerns.

Report Dated: 13.08.2021

