KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	**2022/44/91571/E**
Site Address:	Land south of, Leeds Road, Mirfield, WF14 0JE
Description:	Discharge of conditions 12 (road condition surveys), 14 (milestone) and 16 (invasive non-native species protocol) of previous permission 2020/92368 for erection of 14 dwellings with garages and formation of new access road
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 17-Aug-2022

Application: 2022/44/91571/E

Site: Land south of, Leeds Road, Mirfield, WF14 0JE

Proposal: Discharge of conditions 12 (road condition surveys), 14 (milestone) and 16 (invasive non-native species protocol) of previous permission 2020/92368 for erection of 14 dwellings with garages and formation of new access road

Assessment

Condition 12 (road condition surveys)

> *12. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.*
> ***Reason**: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.*

The submission has been reviewed by planning officers and K.C. Highways Development Management. The initial details were considered lacking in detail and were not acceptable. The applicant subsequently provided further details, to the satisfaction of officers. Accordingly, it is recommended that the details submitted pursuant to condition 12 be approved.

Condition 12 also includes a requirement for a later condition survey. It is recommended that the applicant be reminded of this.

Condition 14 (milestone)

> *14. Prior to development commencing, a schedule for the retention and restoration of the milestone on the site frontage adjacent to Leeds Road shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details for the stone's protection during the construction phase. Prior to the occupation of the final*

dwelling, the approved works shall be implemented, and the milestone retained thereafter.
***Reason**: To protect the character of the area and visual amenity, in accordance with Policy LP24 of the Kirklees Local Plan. This is a pre-commencement condition given the need to ensure appropriate protection / arrangements prior to site clearance.*

The initial submission was reviewed by K.C. Conservation and Design, who concluded it to be inadequate. It lacked specific details, and the methodology provided was not considered acceptable.

Following this feedback an amended document was received and assessed by officers. It was considered to address the shortcomings of the initial submission.

It is therefore recommended that the details submitted pursuant to condition 14 be approved.

Condition 16 (invasive non-native species protocol)

16. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Japanese Knotweed on site. Thereafter the development shall be undertaken in accordance with the approved scheme.
***Reason**: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fulling integrated into the construction phase.*

It was reported to officers that the site had begun to be cleared, with groundworks taking place. A local ward Councillor raised concerns over the impact this would have upon the removal of Japanese knotweed and any ongoing requirements. This led to the applicant providing further details which have been reviewed by K.C. Ecology.

Removal of the Japanese knotweed began in 2016 and has followed industry best practice. This complies with the details in the EcIA submitted at application stage, which states '*The following invasive plant species were present at the survey site: Japanese knotweed (Fallopia japonica). However, these are under the process of being professional removed. Therefore, the Japanese knotweed will not be mentioned further*.'

K.C. Ecology accept the submitted details and recommend that condition 16 be discharged.

Summary

Acceptable details have been submitted.

Recommendation: Approve details.

Report Dated: 19/08/2022

Proposed Letter Text

Condition 12 (road condition surveys)

You have submitted the following information to discharge condition 12:

- Plan ref: 102.1
- Document titled "Footpath Condition Photographs, Photos taken 17th June 2022"
- Plan ref: 102
- Document titled "Footpath Condition Photographs, Photos taken 5th May 2022"

The submitted details are considered acceptable for the initial requirement of condition 12, however the condition requires a further submission at a later date. The following requirements remain:

> *Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.*

Condition 14 (milestone)

You have submitted the following information to discharge condition 14:

- Plan titled "Mile Post Location Plan"
- Document titled "Information to Discharge Planning Condition, Proposed Development Of 14 Houses, Leeds Road, Mirfield, For ABM Developments Ltd, Application 2020/62/92368/E, Condition 14"
- Document titled "Owatrol – Corrosive Inhibiting Primer"

The submitted details are considered acceptable for the purposes of condition 14.

However, to ensure continued compliance within condition 14 the development must be undertaken in accordance with the approved details and the following ongoing requirement:

Prior to the occupation of the final dwelling, the approved works shall be implemented, and the milestone retained thereafter.

Condition 16 (invasive non-native species protocol)

You have submitted the document titled “Japanese Knotweed Working Method and Management Plan” by Ashtrees Ltd to discharge condition 16. This is supported by a “Completion of Works” document dated 11th January 2021.

The submitted details are considered acceptable for the purpose of condition 16, although the following ongoing requirement must be adhered to, to ensure continued compliance:

Thereafter the development shall be undertaken in accordance with the approved scheme.