

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/91236/W
Site Address:	White Syke Farm, Marsden Lane, Marsden, Huddersfield, HD7 6AF
Description:	Erection of lean-to car port to western gable end (Listed Building)
Recommending Officer:	Lucy Taylor

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 03-Aug-2023

Officer Report

Reference: 2023/91236

Location: White Syke Farm, Marsden Lane, Marsden, Huddersfield, HD7 6AF

Proposal: Erection of lean-to car port to western gable end

Site Description

White Syke Farm is an early 19-century Grade II Listed farmhouse and attached barn. The house and barn are set in a long linear plan form, externally faced in stone and slate roof tiles. The original building has undergone a series of changes and adaptations, some of which have been more recent. Within the wider curtilage of the site, the property benefits from extensive on-site parking amenity space and outdoor amenity space.

The application site is Allocated within the Green Belt in the Kirklees Local Plan. In addition, the application site is in proximity to an existing culverted water course.

Description of Proposal

Planning permission is sought for the erection of a lean-to car port to the western gable end of White Syke Farm.

The car port would have the following dimensions:

- Projection – 3.9 metres
- Length – 6.3 metres (max)
- Height – 3.5 metres (max)

The car port would be constructed from a simple oak frame, with the southern elevation to be left open for vehicle access and natural planting would be used to form screening to the western side elevation. The roof of the lean-to car port would be infilled with grey stone slates.

The proposed stepped retaining wall would be constructed as a drystone wall to match the existing retaining wall on site.

History of Negotiations

Following a formal consultation response from KC Conservation and Design, the case officer sought additional detail regarding the construction style of the stepped dwarf wall and amendments to the roof finish of the car port.

The applicant provided confirmation via email (dated 28th June 2023) that the wall would be a drystone wall and that the roof would be infilled with grey stone slates.

The applicant has provided written agreement (via email) to the inclusion of the two-pre-commencement conditions regarding the retaining wall.

Relevant Planning History

- 99/93144 - Erection of garage (within the curtilage of a Listed Building). *Granted.*
- 2004/94223 – Change of use of existing garage to dwelling. *Granted.*
- 2006/90665 – Listed Building Consent for removal of single storey wash kitchen extension and erection of new single storey extension (retrospective). *Granted.*
- 2008/92407 – Change of use of existing barn and alterations to extend existing dwelling. *Withdrawn.*
- 2008/92408 – Listed Building Consent for change of use of existing barn to extend existing dwelling and alterations. *Withdrawn.*
- 2008/94389 – Listed Building Consent for change of use of existing barn to extend dwelling and alterations. *Granted.*
- 2008/94387 – Change of use of existing barn and alterations to extend existing dwelling. *Granted.*
- 2023/91237 – Listed Building Consent for erection of lean-to car port to western gable end. *Pending Determination.*

Representations

We are currently undertaking 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 within the newspaper.

Publicity of the application expired on 30th June 2023. No representations were received.

Consultation Responses

KC Conservation and Design – consider the proposed carport to have a degree of impact on the setting of the listed farmhouse, however, given the nature of the structure and its more lightweight and open form, this would be

acceptable subject to details been submitted for the stepped wall and amendments been made to the roof finish.

Following this consultation response, the applicant confirmed via email that the wall would be a drystone wall and that the roof of the carport would be infilled with grey stone slates. These finishes can also be secured through condition.

KC Lead Local Flood Authority – The proposed car port appears to be more than 3.0 metres from the centreline of the culvert (the minimum easement requirement) serving the aqueduct. Therefore the LLFA confirmed that there is no objection to the proposed development.

KC Environmental Health – No objection to permission being granted for this development.

PSSC Canal and River Trust – Request that the applicant takes due care to ensure the culvert is not blocked or damaged during works, which could otherwise potentially result in localised flooding that could impact the canal.

KC Highways Structures – Request the inclusion of two pre-commencement conditions for the proposed development at White Syke Farm, involving the submission of further details regarding the existing highway retaining wall which supports Marsden Lane.

Policy/Legislation

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 application site is designated Green Belt in the Kirklees Local Plan and with regards to heritage significance, is a Grade II Listed Building. In addition, the application site is located within the River Colne Corridor Strategic Green Infrastructure Network, within an area with a known presence of bats and part of the site is designated a Wildlife Habitat Network.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality

- LP53 – Land Stability
- LP57 - The extension, alteration or replacement of existing buildings
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Supplementary Planning Documents:

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

Highways Design Guide SPD (2019)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, together with Circulars, Parliamentary 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 9 – Promoting Sustainable Development
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Legislation:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment

The following matters will be considered as part of the assessment of the proposal:

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

1) Principle of Development and Green Belt

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

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”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

Paragraph 149(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt can be appropriate development in the Green Belt.

“c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and

d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”

Planning history at the application site has been used to determine the original built form and the extent of development which has previously taken place. The original structures of both the dwellinghouse and attached barn have been taken into consideration when calculating the original volume, calculated to be approximately 700m³.

Based on the planning history available, it is concluded that a single storey extension has previously been added to the eastern gable end of White Syke Farm. This single storey side extension is concluded to have added a volume increase of approximately 60.5m³ (8.64%). It is considered that this is the only relevant addition with regards to assessing this application against Green Belt policies, with the other planning permissions on site to create a separate dwellinghouse, No. 88 Marsden Lane.

The proposed car port under this application presents a volume increase of approximately 73.7m³ (10.5%). Given the cumulative percentage increase for both the previous extension and the proposed car port, approximately 19.14%, it is not considered that this development would result in overdevelopment of the original building.

In addition, when taking into account the overall appearance of the proposed car port, it is considered that it would appear subordinate to the main dwelling by virtue of its size/scale, single storey height and design. It is important to note that any impacts of additional built form from the car port would be further mitigated by its open design.

Therefore, it is considered that the erection of the proposed extension would not result in disproportionate development and would constitute appropriate development in the Green Belt. The proposal is therefore considered acceptable in principle in accordance with Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

In addition, with regard to policy LP57(c), officers note the proposed stepped dwarf retaining walls. It is not considered that this addition to the curtilage of the site would result in a greater impact on openness.

1) Impact on Visual Amenity and Historic Environment

Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape... c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 5.17 of the Council's House Extensions and Alterations SPD sets out that single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The proposed side extension to White Syke Farm to act as a car port is considered to be an appropriate addition to the host property visually, of a modest size/scale with regard to projection and height, not exceed two thirds of the width of the original house or a height of 4 metres in accordance with the design principles of the SPD. It should also be noted that the erection of a lean to roof, by form, will work to naturally reduce any potential of undue bulking or massing, with a shallow eaves height of only 2.7 metres.

Whilst the front of the extension would align with the principal elevation of the dwellinghouse, this is considered acceptable on the individual merits of this

application, especially given the car port nature of the proposal. The main reason been the open front of the car port which reduces the overall extent of built form and ensures that the original principal elevation remains read as such.

The car port is to be constructed from a simple oak frame, with the lean-to roof to be infilled with grey stone slates. These materials are considered to be acceptable, in keeping with the architectural design of the host property and historical agricultural character of the site. It should also be noted that the rear of the car port is being created by using the existing dry stone boundary wall.

The plans show a stepped dwarf wall. The applicant has provided confirmation that this would be constructed as a drystone wall to match the existing retaining wall on site. For reasons of visual amenity, this will be secured by condition.

For all the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, policy LP24 and LP57 (d) of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment:

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The submitted heritage statement sets out the following points:

- The proposed car port is deemed necessary so the vehicles of the owners can be ‘hidden’ from view when seen from the front elevation to allow the building to be seen as it would have been prior to the advent of the motor vehicle. At present, to achieve this, vehicles are parked on the driveway, making access more problematic.

- The car port is designed to be kept as low level as possible to minimise the impact to the front elevation and the road. The rear of the car port being created by using the existing dry stone boundary wall.
- A planting scheme of indigenous plants and shrubs will further mask the western elevation.

KC Conservation and Design were formally consulted on this application, stating that subject to details of the dwarf wall and roof materials been submitted, the proposals would be considered to meet the tests of LP24 and LP35 of the Local Plan and section 66(2) of the Planning (Listed Building and Conservation Areas) Act. In response to this consultation response, the applicant has provided written confirmation that the stepped retaining wall will be a drystone wall and the roof of the car port infilled with grey stone slates. These details accord with the requests made in the consultation response from KC Conservation and Design and will be secured by design.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 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.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would not detriment the extent of outdoor amenity space at White Syke Farm.

Only one property is considered to neighbour the application site, No. 88 Marsden Lane, with all other properties located over 20 metres from the boundaries of White Syke Farm. No. 88 Marsden Lane is located to the east of White Syke Farm, with the proposed car port to be located west of the dwellinghouse. In turn, the development would not result in any undue impacts of overbearing, overshadowing or overlooking for the occupiers of No. 88 Marsden Lane.

For these reasons, the proposed development at White Syke Farm would not cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council’s adopted House Extensions and Alterations SPD.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal would enhance existing parking arrangements at White Syke Farm and would not see a reduction in the extent of on-site parking amenity space. In addition, the proposal would not alter existing routes of access to or from the property in conjunction with the highway of Marsden Lane.

With regard to the retaining wall, with the inclusion of the pre-commencement conditions regarding this wall at the application site, the scheme would be considered acceptable from a highways safety perspective, in accordance with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the 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 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.

In this case, the application is for an extension to an existing property. Therefore, the proposed development is considered to comply with Chapter 14 of the NPPF and policy LP51 of the Kirklees Local Plan.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The information submitted with the application denotes that a planting scheme of indigenous plants and shrubs will be implemented to the western elevation of the proposed car port. As such, this is considered to sufficiently enhance the ecological value of the site in accordance with development, concluding the extension acceptable in the context of the River Colne Corridor Strategic Green Infrastructure Network.

Ecology:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the application does not involve any demolition works to existing roofing structures at White Syke Farm and therefore, the development would be unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF and Key Design Principle 12 of the Council's adopted House Extensions and Alterations SPD.

Flood Risk:

Officers note the location of a culverted water course. Upon formal consultation with Kirklees Council Lead Local Flood Authority, it was concluded that there would be no objection to the proposed scheme at White Syke Farm in the context of this culvert. This is because the proposed car port would be more than 3.0 metres from the centreline of the culvert (the minimum easement requirement) serving the aqueduct. The CRT have also provided comments on the proximity of this culvert to the canal. These can be added as an informative on an approval.

Kirklees Flood Management and Drainage as the Lead Local Flood Authority supports this application and has no recommended drainage conditions.

Land Stability:

Given the proximity of the proposed car port to the retaining structure supporting Marsden Lane, KC Highways Structures were formally consulted on the application.

Policy LP53 of the Kirklees Local Plan states that ‘for development identified at being at risk of instability...measures should be incorporated to...ensure...[this] does not have the potential to cause harm to people or the environment. Chapter 15 of the NPPF also considers the impact of instability.

Although no objections to the development have been raised by Highways Structures, they have recommended conditions to ensure that the development is carried out safely with regard to the highway retaining structure that marks the boundary of curtilage of the application site.

These conditions are reasonable and necessary given the potential impact that construction and the extension might have on the stability of the retaining wall, and ultimately the adopted highway. The wording of these conditions, including the pre-commencement requirements, have been agreed in writing with the applicant.

5) Representations

No representations were received.

6) 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: Approve

Decision Authorisation – Delegated Powers

Application Number: 2023/91236

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.

1. 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 Policies LP1, LP2, LP21, LP22, LP24, LP30,

LP31, LP35, LP51, LP53 & LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapters 2, 4, 9, 12,14, 15 & 16 of the National Planning Policy Framework.

2. The hereby approved extension/car port shall be oak framed and the lean-to roof shall be finished with grey stone slate tiles. These materials shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity, to preserve the significance of the listed building and to accord with Policies LP2, LP35 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.
3. The dwarf stepped garden wall shown on the submitted 'Existing & Proposed Elevations' shall be constructed as a drystone wall to match the existing retaining wall on site.
Reason: In the interests of visual amenity, to preserve the significance of the listed building and to accord with Policies LP2, LP35 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.
4. Before the development commences a scheme detailing the location and fully dimensioned cross-sectional information along with the proposed design and construction details for all new retaining walls adjacent to the existing highway including any modifications to the existing highway retaining wall supporting Marsden Lane shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include evidence of an 'Approval in Principle' for the works. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: This is a pre-commencement condition in the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan
5. Before the development commences, a full structural dilapidation survey of the existing highway retaining wall supporting Marsden Lane shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report submitted to the Local Planning Authority for record purposes. A further structural dilapidation survey of the retaining wall shall be undertaken following the completion of the development, and before the car port is first brought into use. Any defects arising in the highway retaining wall due to the works associated with the proposed development shall be made good, in accordance with a written specification to be first submitted to and

approved in writing by the Local Planning Authority and before the car port is first brought into use.

Reason: This is partly a pre-commencement condition in the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan.

Note: The Canal and River Trust have commented that due care shall be taken to ensure the culvert is not blocked or damaged during the course of the works. This could cause localised flooding and adversely affect the canal.

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: The application site is not located in a coal risk area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	25/04/23
Existing Elevations	-	-	02/05/23
Proposed Site/Block Layout	-	-	25/04/23
Proposed Floor Plans	-	-	04/05/23
Proposed Site/Block Layout (with culvert)	-	-	09/05/23
Existing and Proposed Elevations	-	-	09/05/23
Proposed Elevations	-	-	09/05/23
Sections (1)	-	-	15/05/23
Sections (2)	-	-	15/05/23
Design and Access Statement	-	-	04/05/23
Conservation/Heritage Assessment	-	-	02/05/23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Upon case officer request, the applicant provided confirmation via email that the wall would be a drystone wall and that the roof would be infilled with grey stone slates. Written confirmation of acceptable of pre-commencement conditions was obtained from the applicant.

Report Dated:

03/08/23