

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/93472/E
Site Address:	Battysford Sporting Club, Back Lane, Mirfield, WF14 9QA
Description:	Demolition of existing clubhouse and erection of two apartments with associated external works
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 14-Mar-25

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Officer Report

Reference No. 2024/62/93472/E

Site Address: Battyeford Sporting Club, Back Lane, Mirfield, WF14 9QA

Proposal: Demolition of existing clubhouse and erection of two apartments with associated external works

Site Description

The application site relates to Battyeford Sporting Club located in Mirfield. The site is currently vacant and is set on a steep gradient which falls from north to south. The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area. The surrounding dwellings are varied in age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings in close proximity. However, Public Right of Way MIR/35/10 is located along the western boundary of the application site.

Description of Proposal

The applicant is seeking planning permission for the erection of a 3.5 storey detached property comprising two 2-bedroomed apartments. The remaining structure will be removed to allow for the proposed works. The contemporary property would be faced in buff brick to the upper floors and dark brick to the lower floors and would incorporate an asymmetrical roof finished in interlocking concrete tiles. The property would have an overall width of approx. 5.85m, an overall depth of approx. 13.8m and an overall height of approx. 12.1m due to changes in topography. Furthermore, an area of private outdoor amenity space is proposed to the south-west and off street parking would be located to the north-east of the site.

Relevant Planning History

- **2020/93637:** Demolition of clubhouse and erection of detached dwelling with associated external works. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2010/90483:** Erection of 3 residential apartments and demolition of existing sports club. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2003/92283:** Outline application for erection of three storey dwelling. [Planning application details | Kirklees Council](#) – Conditional Outline Permission

Representations

The application was publicised by neighbour notification letters, which expired on 21st February 2025. One representation has been received following the statutory publicity. The comments made have been summarised below:

- The construction of the new building will obstruct the current views and landscapes that the houses opposite currently enjoy. These views are not only aesthetically pleasing but also contribute to the overall living experience and property value of the residents.
- The introduction of a large structure would significantly alter the character and appeal of the area, thereby impacting the quality of life for the current residents.
- We have serious concerns about the implications of this development on local parking. The proposed driveway in the plans would remove two or more existing parking spaces from the roadside. As it stands, parking availability is already limited, and further reduction would exacerbate the situation, causing inconvenience for residents and potentially leading to conflicts over parking spaces.

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 Environmental Health – No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

Planning Policy Background

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 on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

LP 1 - Achieving Sustainable Development

LP 2 - Place Shaping

LP 3 - Location of New Development

LP 7 - Efficient and Effective Use of Land

LP 11 - Housing Mix and Affordable Housing

LP 20 - Sustainable Travel

LP 21 - Highways and Access

LP 22 - Parking

LP 24 - Design

LP 30 - Biodiversity & Geodiversity

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) updated December 2024, 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 11** - Making Effective Use of Land
- **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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- i) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%). As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are outof-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making

effective use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF Footnote 9).”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks to erect a detached property comprising two apartments within Mirfield and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable 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 LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy 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...

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be three/four storeys in height and would be of a contemporary design. The property would be faced in buff brick to the upper floors and dark brick to the lower floors and would incorporate an asymmetrical roof finished in interlocking concrete tiles. It is noted that the property would contain black UPVC windows and openings. It is considered that the arrangement of fenestration and openings would be appropriate to the property's design. Furthermore, a similar design and material palette has already been approved under app no. 2020/93637, whilst this permission has expired, it would still constitute a material planning consideration and should still be given weight. On this basis, it is considered that the building would not appear discordant and would harmonise well into the surrounding townscape.

Whilst the proposed apartment block would not adjoin to an existing building line on site, it is noted that there is not a strong building line along Stocks

Bank Road. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale, design, and materials. Therefore, the proposed development would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support an apartment building as proposed with a parking area to the north-east and private outdoor amenity space to the south-west. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the building is deemed acceptable, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state 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 135(f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “*Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.*”

The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Impact on 23 Stocks Bank Road

23 Stocks Bank Road is a two-storey detached property located south-east of the application site. The submitted plans demonstrate that the proposed apartment block would occupy a position approximately 19m from the blank side elevation of no.23. Given that the separation distance retained would be sufficient, it is considered that there would be no significant detrimental impact on the neighbouring amenity as a result of the proposed development.

Impact on 8 Back Lane

8 Back Lane is an end-terrace property located to the south and occupies a position on lower ground relative to the application site. The submitted plans confirm that the proposed development would occupy a position approximately 7.2m from no.8. However, given the offset positioning and indirect relationship between the properties including their habitable windows, it is considered that there would be no additional harm to the neighbour's residential amenity with regard to overbearing, overshadowing, or overlooking impact.

Impact on 74 and 76 Stocks Bank Road

74 and 76 Stocks Bank Road are residential properties located to the north-east and occupy a position on higher ground relative to the application site. It is noted that a separation distance of approximately 22m would be retained between the development and no.74 and approx. 20m would be retained to no.76. Given that the separation distances retained would be sufficient and the apartments building would be separated from the neighbouring properties by the highway, it is considered that there would be no significant detrimental impact on the neighbouring amenity as a result of the proposed works.

Impact on 41 and 43 Stocks Bank Road

41 and 43 Stocks Bank Road are residential properties located west of the application site. The submitted plans confirm that the proposed apartment building would occupy a position approximately 3m from the side elevation of the neighbouring properties. The proposed development would be set back and would have a close relationship with the neighbouring dwellings such that

part of the building would be located alongside the garden of no.41 and 43. Whilst some overshadowing to the neighbour's garden may occur, given the orientation of the site to the east of the neighbouring property, this would be confined to the earlier part of the day, and would also be mitigated to some extent by the proposed single storey element. Therefore, on balance, it is considered that the proposed development would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135 (f) of the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National described space standards require the following gross internal floor area for a two bedroomed flat:

- 1 Bedroom, 3-person dwelling set over 2 storeys – 70 square metres
- 1 Bedroom, 4-person dwelling set over 2 storeys - 79 square metres

The proposed floor plans show that the building would comprise two 2-bedroomed flats. The 2 bedroomed flats are required to have a minimum internal floor space of 70m². The submitted plans confirm that the flats would have an internal floor space of approx. 121.2 m² and approx. 98.1m² which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local

Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks approval for the erection of two apartments with associated external works at Battyeford Sporting Club. As such, KC Highways Development Management have been formally consulted as part of the application. The application site is located on the southern side of Stocks Bank Road adjacent to PROW Mirfield 35/10 which links Stocks Bank Road with Back Lane and A644 Huddersfield Road. The proposals show off-street parking for 4 vehicles to the frontage and side of the site. Given that only one space is required for a 2 bedroomed apartment and 4 spaces are shown; 2 for each apartment, KC Highways Development Management have no objection to these proposals. Furthermore, the site falls away steeply from Stocks Bank Road and structural engineering measures may therefore be required. As such, KC Highways Structures have been consulted and they have recommended conditions which have been added to the decision notice.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

Impact on PROW

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 previously commented to state that they would not wish to see this narrowed further. It is acknowledged that the 2010 approval established the acceptability of a building in this location, which was subsequently followed by the 2020 approval. 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.

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

Electric Vehicle Charging Points

Approval under the Building Regulations will be required for any electric vehicle charging points, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Contaminated Land

The site of the proposed development has been identified on our mapping layer as being potentially contaminated land due to its proximity to landfill sites (Site 163/4 circa 182m SE, and ref:154/4 circa 180m SW). Demolition of an existing older structure is also proposed. In order to ensure the site is safe

and suitable for the development proposed, KC Environmental Health have recommended conditions in relation to contaminated land.

Ecology/Biodiversity Net Gain

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Notwithstanding the above, in respect of standard biodiversity mitigation and enhancement, 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 enhancement, 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.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

There are no other matters considered relevant to the determination of this application.

6. Representations

One representations was received during the course of the application. The comments made have been summarised and addressed below:

- The construction of the new building will obstruct the current views and landscapes that the houses opposite currently enjoy. These views are not only aesthetically pleasing but also contribute to the overall living experience and property value of the residents.

Response: *Loss of view would not constitute a material planning consideration.*

- The introduction of a large structure would significantly alter the character and appeal of the area, thereby impacting the quality of life for the current residents.

Response: *The proposals potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- We have serious concerns about the implications of this development on local parking. The proposed driveway in the plans would remove two or more existing parking spaces from the roadside. As it stands, parking availability is already limited, and further reduction would exacerbate the situation, causing inconvenience for residents and potentially leading to conflicts over parking spaces.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

7. Negotiations

No amendments or additional plans have been sought or received during the course of the application.

8. 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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/93472

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 with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The apartment building hereby approved shall be faced in buff brick to the upper floors and dark brick to the lower floors as shown on the plan titled 'Proposed GA' (reference no. (20)001). The roof of the building would be finished in interlocking concrete tiles. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. Prior to development commencing on the superstructure of the dwelling hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning

Document and Chapters 12 and 13 of the National Planning Policy Framework.

6. No Groundworks other than the removal of the remaining ruins, shall commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, no groundworks (other than the removal of the remaining ruins and those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Where site 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 by a suitably competent person 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

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 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

11. No development (other than the removal of the remaining ruins) shall take place until the design and construction details for all temporary and permanent retaining structures supporting the embankment and the burr wall adjacent to Stocks Bank Road have been approved by the Council's Highways Structures Section. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works, removal of any bulk excavations, a full slope stability analysis/geotechnical risk assessment together with structural calculations (where necessary) and all associated safety measures for the protection of adjacent public highway. All retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained throughout the life of the development unless otherwise agreed in writing by the Highways Structures Section.

Reason: This pre-commencement condition is necessary to ensure that any retaining structures do not compromise the stability of the highway in accordance with Kirklees Local Plan Policy LP21, Chapters 9 and 12 of National Planning Policy Framework and the Highways Design Guide SPD.

12. Before the development commences (other than the removal of the remaining ruins) a scheme detailing the location and cross-sectional

information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including any modifications to the existing private retaining walls supporting the highway and PROW (MIR/35/10) shall be submitted to and approved by the Highways Structures Section in writing. 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 pre-commencement condition is necessary to ensure that any retaining structures do not compromise the stability of the highway in accordance with Kirklees Local Plan Policy LP21, Chapters 9 and 12 of National Planning Policy Framework and the Highways Design Guide SPD.

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

Reason: To enhance biodiversity on the site commensurate 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.

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 to 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.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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: 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	(EX)002	-	07/01/2025
Proposed GA	(20)001	-	07/01/2025
Block Plan	(20)002	-	07/01/2025
Climate Change Statement	-	-	07/01/2025

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 Planning 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter. The applicant's agent has agreed to the pre-commencement conditions.

Dated: 13/03/2025

