

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/62/94099/E

Site Address: Kirklees Council Depot, 1-3, St Paul's Road, Mirfield,
WF14 8AX

Description: Demolition of existing buildings and erection of a two-
storey supported living apartment block (13
apartments) with associated offices, gardens and
parking spaces

Recommending Officer: Victor Grayson

DECISION – S106 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.**

David Wordsworth

AUTHORISED OFFICER

Date: 10-Sep-2021

OFFICER REPORT

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission for the demolition of existing buildings and the erection of a two-storey supported living apartment block (13 apartments) with associated offices, gardens and parking spaces.
- 1.2 Cllr Bolt requested that this application be considered by the Heavy Woollen Sub-Committee due to concerns regarding transport, amenity and other matters of public interest, and to allow residents to present those concerns to the committee. On 14/01/2021, however, the Chair determined that the application needn't be considered by committee, and that a decision on the application can be issued under delegated powers.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.21 hectares in size (applicant's figure) and is currently occupied by a hard-surfaced yard with single- and two-storey buildings of stone and red brick. The site has a gentle downhill slope towards the south. Boundary treatments of stone and brick (with palisade fencing above, in places) currently enclose the site.
- 2.2 To the northeast, east and southeast of the application site are residential properties on St Paul's Road, and a funeral director's premises and social club exist to the east. To the north, the site shares a boundary with Ings Grove Park, within which is the nearest designated heritage asset (the Grade II listed war memorial, Historic England ref: 1439587). To the west is 198 Huddersfield Road (the former Mirfield Urban District Council offices). To the south are garages in private ownership, an electricity substation, and two buildings in use as a pharmacy and a bank.
- 2.3 Most buildings surrounding the site are two storeys in height, although taller buildings exist on Huddersfield Road, and some two-storey buildings have greater floor-to-ceiling heights than others. Natural local stone predominates in this part of Mirfield. Some secondary elevations are of red brick.
- 2.4 The site is brownfield land, and was formerly used as a council depot.
- 2.5 The site is without designation or allocation in the Local Plan, but is located directly adjacent to Mirfield Town Centre (as designated in the Local Plan) and the Urban Greenspace of the adjacent park.

- 2.6 There are no protected trees within the application site, however trees in the adjacent park are the subject of Tree Preservation Orders.
- 2.7 St Paul's Road is a one-way street, with vehicular traffic moving northeastwards. The road is subject to a 30mph speed limit, and has footways on both sides of the carriageway. Directly outside the application site are parking spaces for permit holders (restrictions apply Monday to Saturday, 08:00 to 18:00), and double yellow lines. Single yellow lines run along the opposite kerb.
- 2.8 The application site is not within or close to a conservation area. The site does, however, have some sensitivity, being adjacent to and visible from Ings Grove Park, and visible from the south from the Huddersfield Road / St Paul's Road / Newgate junction. The site is also visible from several residential properties.
- 2.9 The site is currently owned by the council.

3.0 PROPOSAL:

- 3.1 Full planning permission is sought for the demolition of the site's existing buildings and the erection of a two-storey supported living apartment block (13 apartments) with associated offices, gardens and parking spaces.
- 3.2 The proposed residential accommodation would be occupied by adults with a social care need (i.e., adults with learning disabilities or autism, or a physical disability or long-term health condition). Eight one-bedroom and five two-bedroom apartments are proposed. A ground floor office is also proposed at the western end of the building. The office would be ancillary to the residential accommodation, and would be used by support staff (for their administration work and breaks) who assist the residents of the development.
- 3.3 The site's existing vehicular entrance on St Paul's Road would be retained as the sole point of access. 11 on-site parking spaces are proposed, along with outdoor cycle hoops.
- 3.4 The two wings of the proposed building would enclose a small internal courtyard. Other communal and private gardens are proposed around the site. Five of the first floor apartments would have private balconies.
- 3.5 The existing stone wall to St Paul's Road would be reduced in height, with metal railings and fixed gates added. Other existing boundary treatments would be retained or replaced.
- 3.6 The proposed building would have pitched face and ashlar stone walls. Render is proposed in parts of the elevations facing the internal

courtyard. Grey concrete roof tiles and dark grey aluminium windows are also proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None relevant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The applicant requested pre-application advice from the council in August 2018, when a three-storey development of 18 apartments (for adults with learning disabilities) and a car park for nine vehicles was proposed. Written pre-application advice (ref: 2018/20347) was issued by the council on 19/10/2018, the main points of which are summarised as follows:

- Residential development acceptable at this site, subject to design, residential amenity and other matters being addressed.
- Provision of accommodation for adults with a learning disability is welcomed.
- Subject to details, residential development at this brownfield site is considered to be sustainable development, given site's accessible location in an already-developed area, close to public transport and other facilities.
- Employee numbers requested.
- Neighbourhood Plan for Mirfield is being prepared.
- Given the level of on-site parking proposed, and the proposed provision of accommodation for a specific user group, it is likely that any permission would be subject to a condition restricting occupation to that user group. A different user group may have different parking, amenity space and other requirements.
- Query as to whether adjacent garages and electricity substation could be incorporated as part of a more comprehensive development.
- Development should respect the existing building line of St Paul's Road.
- Size of the proposed St Paul's Road elevation, site excavation, and design aspects that would not reflect the patterns of existing development, raise significant concern.
- A two-storey (or part two-storey, part three-storey) development with less accommodation may be acceptable.
- 3D image of proposal (viewed from Huddersfield Road junction) requested.
- Relocating entrance to, or closer to, St Paul's Road should be considered.
- Upper floor windows overlooking Ings Grove Park could provide amenity for residents, and natural surveillance of the park.

- Vertical relief needed in elevations, to reflect gaps between pairs of dwellings on St Paul's Road.
- Natural stone, closely matching (in colour and texture) the local natural local stone used nearby, should be the development's primary external material. Red brick could be acceptable on secondary elevations.
- Boundary treatments should be designed as an integral part of the proposed design. Existing stone perimeter wall to St Paul's Road should be retained but reduced in height.
- Designated heritage assets are unlikely to be adversely affected.
- Measures to prevent crime and anti-social behaviour should be submitted.
- Proposed excavation would mean residents at east end of site would have a poor outlook, and possibly limited natural light.
- Dual-aspect units welcomed. Government's Nationally Described Space Standard noted.
- Accessibility and inclusive design need to be considered.
- Provision of private outdoor spaces for ground floor units should be considered.
- 100% affordable housing (social rent) scheme welcomed.
- Transport Statement required, with trip generation data based on a similar development occupied by a similar user group. Evidence of adequacy of proposed parking provision also required.
- Residents of the development are unlikely to be issued with parking permits.
- Measures to address fly parking should be proposed.
- Secure, conveniently-located and covered cycle parking required.
- Adequate visibility splay required to the south. This would normally be 2.4m x 43m, but a short splay could be provided given the proximity of the junction.
- Details of waste storage and collection required.
- If there is a requirement for a path from the rear of 202 Huddersfield Road to St Paul's Road, this should be designed into the proposed layout.
- Use of sustainable modes of transport should be encouraged. Travel Plan required. Contribution towards Metro card provision may be necessary.
- Construction Management Plan required (or could be conditioned).
- Flood Risk Assessment required. Drainage hierarchy should be followed. Flood routing should be addressed.
- Adjacent trees would need to be protected during works. Application should include an arboricultural impact assessment.
- Landscaping proposals should be provided. No poorly-defined leftover spaces should be created.

- Major developments are normally required to deliver a biodiversity net gain. Preliminary Ecological Appraisal and Ecological Impact Assessment required.
- Site is potentially contaminated. Phase I report required.
- Electric vehicle charging points required.
- Noise impact assessment may be required if A3 or A4 uses are approved at the adjacent site.
- Details of outdoor lighting required.
- Section 106 agreement required to secure affordable housing, management and contributions.
- Pre-application public consultation is encouraged.

5.2 The applicant held a public consultation event at Mirfield Library on 13/11/2019 between 16:00 and 19:00. The applicant's Planning Statement states that two presentation boards were displayed, with floor plans, elevations and 3D images included. Over the course of the consultation there were eight attendees. The applicant has stated that, overall, the comments received were positive.

5.3 During the life of the current application the applicant submitted a Flood Risk Assessment, a Sustainability Appraisal, an Arboricultural Method Statement and details of drainage proposals. On 04/09/2020 various amended drawings and 3D images were submitted – these illustrated changes to the proposed refuse store, elevations, fenestration and boundary treatments.

6.0 PLANNING POLICY:

6.1 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 27/02/2019).

Kirklees Local Plan (2019):

6.2 The site is without designation or allocation in the Local Plan.

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design

LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP33 – Trees
LP35 – Historic environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Management Design Guide for New Developments (2020) Green Street Principles (2017)
- Kirklees Interim Affordable Housing Policy (2020)
- Viability Guidance Note (2020)
- Planning Applications Climate Change Guidance (2021)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

- 6.5 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out

how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.6 On 12/11/2019 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 June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

- 6.7 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- 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
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials.

- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.

- 6.9 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

- National Design Code (2021)

Mirfield Neighbourhood Plan

- 6.10 A Neighbourhood Plan is being prepared for Mirfield, however no draft plan has been published yet.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development.
- 7.2 The application has been advertised via two site notices posted on 29/01/2020, an advertisement in the local press dated 18/01/2020, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement.
- 7.3 10 representations were received from occupants of neighbouring properties and members of the public. These have been posted online. The following is a summary of the points raised:
- Additional vehicle movements would increase congestion on St Paul's Road and other local roads. St Paul's Road is already busy. Development would increase danger to road users, and prevent emergency vehicle access.
 - Concern regarding construction traffic impacts and other construction-phase disruption.
 - Inadequate parking proposed. St Paul's Road already has a parking problem. Apartments would be visited by carers, medical/health professionals, family members and tradespeople. Carer-to-resident ratio may be 1:1.
 - Concern regarding drivers shortcutting through site.
 - Query as to who would occupy the apartments (applicant's information is inconsistent).
 - Purpose of the proposed office queried.
 - Objection to loss of existing historic buildings and perimeter walls. Site includes a 1600s wool mill, council depot and Victorian-era fire station.
 - Existing buildings should be converted instead.
 - Apartments would not be in a style sympathetic to surroundings.
 - Balconies are not characteristic of St Paul's Road.
 - Overall, architects have done a decent job in terms of layout, design and trying to integrate the development into its surroundings.
 - Query regarding what is proposed for common boundary shared with adjacent residential property.
 - Loss of natural light to properties opposite.

- Loss of privacy to properties opposite, including from balconies. Query whether balconies could be relocated to the internal courtyard.
- Adverse impact on property values.
- Comments made at consultation event have been ignored.

7.4 Cllr Bolt queried what environmental standard the proposed development would be built to, stated that the council as Local Planning Authority could take a firmer stance on this matter in light of the climate emergency motion and cabinet-approved strategy, and stated that the council as vendor could have included such requirements in the sales package. Cllr Bolt also asked for application drawings to be displayed or viewed at Mirfield Library. Noting the user group's lower car ownership level, Cllr Bolt noted that residents would be visited by staff and family, and stated that one can't assume that public transport provision will result in fewer vehicles, as changes and reliability are at the whim of the operator. Maximum car parking should be sought, as should a contribution towards improving bus stops and real-time information within the development. Concern that conditions and agreements may be subsequently varied. Cllr Bolt asked for the application to be determined by committee.

7.5 Mirfield Town Council were consulted on 24/01/2020, and chose not to comment after considering the proposals at their meeting of 04/02/2020.

7.6 The amended drawings and additional information submitted during the life of the application did not necessitate public reconsultation.

7.7 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

KC Highways – Proposal is acceptable from a highways perspective. Proposed access arrangements are considered satisfactory. Proposed parking provision has been justified using empirical data. The Highway Design Guide SPD recommends one parking space per one- and two-bedroomed apartment, so in theory the proposal is under this provision by two spaces. However, the Transport Statement rightly states that the site is in a sustainable location within easy walking distance of the recognised centre of Mirfield and all the amenities found there. It also validates the proposed parking provision by noting the occupants' likely low levels of car ownership. Conditions

recommended regarding surfacing and drainage of areas to be used by vehicles, retaining walls and structures adjacent to the highway, and drainage features beneath the highway.

KC Lead Local Flood Authority – Supports application, subject to conditions. Yorkshire Water are comfortable with a restricted discharge to the public sewer network at 19.5l/s, and LLFA sees no reason to object this as an acceptable reduction in existing discharge in line with Kirklees planning policy and drainage guidance. As this is an apartment block proposal and would be leasehold, the Local Planning Authority's obligation to ensure the maintenance and management of sustainable drainage systems can be addressed by condition as the freehold would be in a single ownership. Conditions recommended regarding discharge rate and temporary drainage during construction.

8.2 **Non-statutory:**

KC Ecology – Further information regarding the mitigation of effects on the local bat populations should be provided. Applicant's information indicates a high level of bat activity on and adjacent to the site. The location of only one roost has been described by the applicant, the status of the roosts has not been assessed (i.e., whether they are day, transitory or maternity roosts), and the potential impacts to local bat populations due to the removal of these roosts is not quantified. The report recommends that work to Building 2 must be carried out under a licence from Natural England, however this does not equate to adequate mitigation for the resulting loss of bat roosts from the site. In addition, further information is required regarding how the bat roost within the adjacent park would be protected during the construction and operational stages of the development. Without this information the proposals do not satisfy the requirements of Local Plan policy LP30i.

The applicant's report makes a number of recommendations for ecological enhancement on the site including a lighting design, hedgehog highways, faunal boxes and native planting, however details are limited and no plan demonstrating where these would be installed on the site is provided. In accordance with NPPF, to encourage biodiversity net gain and in line with Local Plan policy LP30ii, a measurable increase in biodiversity should be demonstrated.

Condition recommended, requiring the submission of an Ecological Design Strategy.

KC Environmental Health – Agree with conclusions of applicant's Phase I report. Four conditions recommended regarding contaminated land. Agree with conclusions of applicant's noise report and its recommendations for sound insulation. Condition

recommended regarding electric vehicle charging points, and submission of a Construction Environmental Management Plan (addressing construction noise, vibration, dust and artificial lighting).

KC Public Health – No comment.

KC Strategic Housing – Supports application. Proposed 100% affordable (social rent) provision is welcomed.

KC Trees – No objection to principle of development. Applicant's Arboricultural Method Statement is not very detailed, but is acceptable. Specification of fencing (to protect trees) may need to be changed at a later stage. No pruning is specified in relation to demolition and construction, however these details can be secured by condition. Conditions recommended requiring implementation of measures set out in Arboricultural Method Statement, and submission of details of any additional tree works required during construction.

KC Waste and Recycling – Applicant has addressed earlier concerns regarding level/dropped kerb access to the bin store, the adjacent wall height and the size of the store. With these changes shown on approved plans, no conditions would be required in relation to waste.

West Yorkshire Combined Authority (Metro) – The site is located within the recommended 400m from the nearest bus routes that operate on Huddersfield Road (including the 205 between Dewsbury and Mirfield, the 261 between Mirfield and Heckmondwike, and the 262 between Brighouse and Huddersfield, all at a 60 minute frequency). The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route or frequency. The closest bus stops on this corridor (15147 and 15150) would benefit by the installation of a Real Time Information display at a cost to the developer of £10,000.00 each. In order to access these stops, safe and direct pedestrian links are required.

West Yorkshire Police Designing Out Crime Officer – No objection to principle of development. Details of lighting, door specifications, access control system, alarm system and monitoring requested.

Yorkshire Water – Conditions recommended requiring separate systems of drainage for foul and surface water, and restricting the surface water discharge rate to 19.5l/s.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Urban design issues
- Residential amenity and quality

- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Conditions
- Other planning matters

10.0 APPRAISAL

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 At pre-application stage, in response to a different proposal tabled by the applicant, officers advised that the proposed development would fall within the C2 use class (residential institutions), or possibly a mix of C2 and C3 uses if there would be varying levels of care provided to residents. At application stage, the applicant has not confirmed the proposed use class, however as self-contained apartments are proposed, and as no details of a care element have been provided, the proposals have been assessed as a C3 use. The proposed development would cater for adults with a social care need (i.e., adults with learning disabilities or autism, or a physical disability or long-term health condition), providing residential accommodation that allows a relatively high degree of independent living. Assistance would be provided by staff when required, however no staff sleeping accommodation is proposed.
- 10.4 Of note, the references in the applicant's Transport Statement to retirement flats for the over-55s are erroneous.
- 10.5 The council generally supports the development and provision of residential accommodation tailored to meet known local need, and the proposal to provide this kind of accommodation at this site is welcomed.

- 10.6 A condition is recommended, restricting occupation of the development to the intended user group. Following extensive discussion with the applicant regarding this condition, it was agreed that the relevant wording should refer to the definitions of “support” and “supported housing” set out in the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016). A further condition is recommended, restricting the use of the ground floor office to uses ancillary to the main residential use.
- 10.7 Policies throughout the Local Plan promote the use of such brownfield (previously-developed) land to meet development needs and support the regeneration of areas (this is identified as a Strategic Objective at paragraph 4.5).
- 10.8 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.9 Given the above, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant. No adopted Local Plan policies or designations would prevent the change of use of the site from a former council depot to residential use. Subject to the considerations set out later in this report, it is considered that residential development at this site is acceptable in principle, and would make a welcome contribution towards meeting housing need in Kirklees.

Sustainability and climate change

- 10.10 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.11 This is a sustainable location for residential development, being located within an existing residential area and adjacent to a defined centre. The site is relatively close to public transport facilities, shops and other facilities. The proposal involves the redevelopment of a brownfield site.
- 10.12 At pre-application stage the applicant was asked to consider the re-use of the site’s existing buildings, which could have avoided the loss of embodied carbon/energy. The applicant has advised, however, that the condition of the existing buildings makes them unsuitable for

conversion, and it is additionally noted that a less efficient use of this site would be achieved with a conversion scheme.

10.13 Cllr Bolt has queried what environmental standard the proposed development would be built to. He has also stated that the council as Local Planning Authority could take a firmer stance on this matter in light of the climate emergency motion and cabinet-approved strategy, and that the council as vendor could have included such requirements in the sales package.

10.14 The council as Local Planning Authority is somewhat restricted in what it can require in terms of environmental standards for residential developments since the Government withdrew the Code for Sustainable Homes in 2015, and these matters are now largely dealt with under the Building Regulations (Part L deals with energy efficiency, for example) which planning requirements are not supposed to overlap with. That said, in light of Local Plan policies (including LP24), and the council's declaration of a climate emergency, it is appropriate to ask applicants to confirm what (if any) environmental standards they are working to, and if the requirements of the Building Regulations are to be exceeded, this could attract positive weight in the council's consideration of planning applications. Officers therefore asked the applicant for more information regarding the sustainability of the proposed development, and measures they intend to implement to help address climate change.

10.15 A Sustainability Appraisal has been submitted by the applicant, to supplement information provided at Section 4 of the Planning Statement. The Sustainability Appraisal confirms that:

- the development has been designed to ensure nearly all apartments would have a south-facing elevation (to maximise passive solar gain potential);
- demolition materials would be re-used where possible;
- solar photovoltaic panels would be installed on one roofslope facing the internal courtyard;
- measures to reduce water consumption would be implemented;
- electric vehicle charging points and cycle parking would be provided; and
- the development is proposed in a location where many facilities are available within walking distance.

10.16 Cllr Bolt's other comments (relating to the council's separate role as site vendor) have been relayed to relevant officers, although it must be noted that these are not matters of relevance to planning. The council's Disposals and Acquisitions Surveyor has advised that there are no requirements in the agreed heads of terms for the development to be constructed to minimum environmental standards, and that there is currently no general policy for such requirements in

the sale of council land and property and in this particular case, there has been no instruction from Cabinet to include any.

- 10.17 With regard to sustainable travel, the proposed lower parking provision could help to discourage car use. The site's location close to the facilities of Mirfield Town Centre, and the proposed provision of cycle parking, would help encourage and facilitate the use of more sustainable transport modes.
- 10.18 Regarding the social infrastructure currently provided and available in Mirfield (which is relevant to the sustainability of the proposed development), it is noted that a range of facilities are available within walking distance of the site. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- 10.19 Given the above assessment, it is considered that the proposed development represents sustainable development. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design issues

- 10.20 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.21 The site is constrained by its limited size, the amenities of neighbouring residential properties, adjacent protected trees, and the site's limited options for providing vehicular access, and other considerations. There is also a need to make efficient use of this accessible site, to respond to the character of (and patterns of development in) this part of Mirfield, to address drainage matters (including flood routing), and to create an attractive development where people will want to live and stay.
- 10.22 The applicant proposes the demolition of the site's existing buildings and the erection of a two-storey building with associated offices, gardens and parking spaces. The two wings of the proposed building would run parallel to the southeast (St Paul's Road) and north (Ings Grove Park) boundaries of the site, and would enclose a small internal courtyard. The proposed building would have pitched face and ashlar stone walls. Render is proposed in parts of the elevations

facing the internal courtyard. Grey concrete roof tiles and dark grey aluminium windows are also proposed.

- 10.23 The site's existing buildings and perimeter walls are not protected, but are of some interest, and can be regarded as non-designated heritage assets which in some respects make a positive contribution to the area's character. The existing buildings and walls have attractive stonework, and some are contemporary to the buildings that front Huddersfield Road. The demolition of the site's existing buildings (which can be regarded as non-designated heritage assets) attracts some negative weight, however this is outweighed by the benefits of the proposed development. It is considered that the proposed development would not adversely affect the significance of nearby designated heritage assets.
- 10.24 The proposed development responds well to the site's constraints. The main street elevation (facing St Paul's Road) would align with the front building line of 5-7 St Paul's Road (and, for this reason, it is considered that the street frontage need not be tree-lined in accordance with NPPF paragraph 131), and would feature vertical elements that would help break up what would otherwise be a long uninterrupted frontage. These aspects of the design would help it to reflect the pattern of development further along St Paul's Road, where pairs of semi-detached properties are set back from the footway behind small front gardens, and are separated by regular gaps. Amendments to the proposed fenestration made during the life of the application would further help ensure this elevation relates well to the existing buildings to the northeast. The proposed excavation to create a lower ground level at the northeast part of the site would not result in significant differences between the adjacent footway and the proposed finished ground floor level, and officers are satisfied that this aspect of the proposed development would not result in poor outlook for the occupants of the ground floor apartments, or an unacceptable physical detachment between the development and the public realm.
- 10.25 One resident has expressed concern regarding the inclusion of balconies to the St Paul's Road elevation, and asked if consideration had been given to relocating these to the other side of the building, to face the internal courtyard. This was indeed considered, however for amenity reasons (to ensure balconies and bedrooms received enough natural light) it would be preferable to have the balconies facing southeast rather than northwest. Furthermore, relocating the balconies to face the internal courtyard has been ruled out by the applicants, as it would result in less efficient internal layouts (bearing in mind the flats need to be accessed from the internal courtyard, balconies should be provided off living rooms, and a direct means of escape needs to be provided from kitchens). The resident is correct in noting that first floor balconies are not characteristic of St Paul's Road, however the fact that the proposed balconies would be inset (and not projecting) and would be partly enclosed by masonry (an

aperture reduction was also requested during the life of the application, partly for aesthetic reasons) would help ensure that the balconies would not read as a particularly alien feature.

- 10.26 The proposed development would have a limited aesthetic impact upon Ings Grove Park. The first floor windows and balconies that overlook the park would provide amenity for residents, as well as welcomed natural surveillance for the park.
- 10.27 The proposed pitched roofs would reflect the roof forms of the majority of the surrounding buildings. The proposed solar photovoltaic arrays would be limited to roofslopes facing the internal courtyard, and would not be visually prominent.
- 10.28 With 13 residential units proposed in a 0.21 hectare site, a density of approximately 62 units per hectare would be achieved. This exceeds the 35 units per hectare density specified (and applicable “where appropriate”) in Local Plan policy LP7, however this is not considered problematic. Such a density is considered appropriate at this accessible site (immediately outside Mirfield Town Centre), to ensure its efficient use.
- 10.29 The site’s existing stone perimeter wall to St Paul’s Road would be reduced in height, with metal railings and fixed gates added. This would mean much of this attractive existing feature would be retained, while ensuring the adjacent ground floor units would receive adequate natural light and would have adequate outlook. Fixed gates (as opposed to openable gates) are proposed for security reasons, and these openings in the wall would help the development relate to the pattern of front garden gates (set into short stone and brick front garden walls) that already exists in St Paul’s Road.
- 10.30 Other existing boundary treatments would be retained or replaced. One resident has asked for an existing brick wall (which is part of one of the buildings to be demolished, and forms her side boundary treatment) to be retained. This is an understandable request, and has been put to the applicant, who has responded as follows:
- “[We] can see the merit in retaining the wall but [this will be] determined by the demolition of the remainder of the building and the condition of the wall once demolition works are complete. [We] think it is difficult to give a commitment to retain the wall at this stage until we have a better understanding of its structural stability following demolition. We will work with the owner of [redacted for privacy reasons] to retain the wall but cannot give any commitment until we have completed demolition of the building”.*
- 10.31 The applicant makes a valid point in that, at the moment, it is not known whether the wall would remain stable once the rest of the building is demolished. Officers therefore recommend that a condition

be applied, requiring further details of all boundary treatments for later consideration (but prior to commencement of construction works) once more is known about the existing wall. The condition would require details notwithstanding what is shown on the applicant's drawing 501/01(02)012 rev B, and for this particular boundary would secure a treatment more robust than the 1.8m timber fence currently proposed by the applicant.

- 10.32 In light of the above assessment, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP24 and LP35 would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.33 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.34 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. The proposed use is considered compatible with existing surrounding uses. Vehicular traffic moving to and from the site is unlikely to be significant enough to adversely affect the amenities of existing residents living opposite the site or further along St Paul's Road. There is no evidence to suggest the continued operation of the nearby funeral director and social club to the east would be jeopardised, nor would the use or attraction of Ings Grove Park be adversely affected. Of note, the adjacent site to the west (198 Huddersfield Road, the former Mirfield Urban District Council offices) has planning permission for A1, A3, A4, A5 and C3 uses (using the previous use classes) under application ref: 2018/92172. That permission is subject to conditions regarding opening hours and plant noise. The applicant's noise report for the current application takes into account the possibility of that permission being implemented, and recommends sound insulation for the proposed development's windows. A relevant condition requiring these measures to be implemented prior to occupation is therefore recommended.
- 10.35 Adequate distances are proposed between dwellings. Elevation-to-elevation distances across St Paul's Road would exceed 15m, which is considered acceptable given the intervening public realm, and is similar to the distances between opposite dwellings further along St Paul's Road. Residents' concerns regarding overlooking from the proposed development are noted, and it is acknowledged that residents of 8 to 14 St Paul's Road currently have no residential habitable room windows facing them, however the relationship between the elevations fronting St Paul's Road would not be unusual. Concerns regarding overlooking from the proposed first floor

balconies are also noted, however these would be no nearer to the dwellings opposite than the proposed windows, and they are likely to be used less than the adjacent living rooms. This, the elevation-to-elevation distances that would be maintained, and the reduced balcony aperture sizes that officers requested would help ensure that the sense of being overlooked would not be so significant.

- 10.36 The rear garden of the neighbouring residential property immediately to the northeast is likely to experience a loss of natural light and an increased sense of enclosure to a degree, as a result of the proposed development. However, these impacts are not considered to be so great as to warrant refusal of planning permission.
- 10.37 A condition is recommended, requiring the submission and approval of a Construction Management Plan. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- 10.38 The amenities and quality of the proposed residential accommodation is also a material planning consideration. All 13 apartments would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. All but two of the apartments would be provided with their own private outdoor spaces, and communal garden areas are additionally proposed. The six ground floor units would be accessible to residents and visitors who use wheelchairs.
- 10.39 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. The 13 proposed apartments would significantly exceed these standards, and this is welcomed.

Affordable housing

- 10.40 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible.
- 10.41 For this 13-unit development, the 20% policy requirement would be equivalent to 2.6 affordable units, therefore the applicant would normally be required to propose three of the apartments as affordable housing.
- 10.42 The development, however, would be 100% affordable, with the apartments provided at social rents. This is welcomed.

Highway and transportation issues

- 10.43 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.44 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.45 Existing highways conditions around the application site must be noted. St Paul's Road is a one-way street, with vehicular traffic moving northeastwards. The road is subject to a 30mph speed limit, and has footways on both sides of the carriageway. Directly outside the application site are parking spaces for permit holders (restrictions apply Monday to Saturday, 08:00 to 18:00), and double yellow lines. Single yellow lines run along the opposite kerb. The site currently has a single vehicular access with a dropped kerb on St Paul's Road.
- 10.46 An adequate visibility splay (to the southwest) would be provided at the site's retained vehicular entrance.
- 10.47 Regarding trip generation, the applicant's Transport Statement provided TRICs data for the proposed form of accommodation, and found that trip generation is likely to be as low as four vehicle movements in the morning peak and three in the evening peak. It is considered that these would not have a significant impact in relation to congestion and highway safety.
- 10.48 With 11 on-site parking spaces proposed for a development of 13 apartments, there would be a shortfall in on-site provision. However, as these apartments would be occupied by a user group that typically has very low car ownership, and given Mirfield's reasonably good public transport connections, the proposed provision is considered adequate. Residents have expressed concern that parking in St Paul's Road is already problematic, that the proposed apartments would be visited by carers, medical/health professionals, family members and tradespeople (all of whom may drive to the site), and that carer-to-resident ratios may be as high as 1:1. Of note, however, the TRICs data provided by the applicant, and the assessment of

Highways Development Management officers, takes into account trip generation typical of the proposed form of accommodation (and not only car ownership typical of the user group). Furthermore, although the expected level of care and assistance (for residents) has not been specified by the applicant (this would be known only when the apartments are allocated to individuals), given that the accommodation is intended to facilitate a degree of independent living, 1:1 carer-to-resident ratios are unlikely.

- 10.49 The use of sustainable modes of transport would be encouraged through the provision of on-site cycle parking, the proximity of the site to public transport services, and the £10,000 contribution that would be put towards improvements to nearby bus stops. Although the need for a Travel Plan was highlighted in pre-application advice, the proposed development is not of a size that would normally necessitate such a submission.
- 10.50 A pre-commencement condition is recommended, requiring the submission of the above-mentioned Construction Management Plan. This would need to include details of construction traffic routes.

Flood risk and drainage issues

- 10.51 The site is within Flood Zone 1, and is less than 1 hectare in size, but is within an Indicative Critical Drainage Area, and a site-specific Flood Risk Assessment (FRA) was submitted by the applicant.
- 10.52 Noting the site's existing drainage arrangements, and the improvement that would be provided by the applicant (by restricting the surface water discharge rate to the public sewer to 19.5l/s, which has been accepted by Yorkshire Water), the Lead Local Flood Authority (LLFA) has not raised an objection to the proposed development.
- 10.53 Conditions requested by Yorkshire Water are recommended.
- 10.54 The LLLFA have advised that, as this is an apartment block proposal and would be leasehold, the Local Planning Authority's obligation to ensure the maintenance and management of sustainable drainage systems can be addressed by condition as the freehold would be in a single ownership. However, as a Section 106 agreement is required in any case, it is recommended that this matter be addressed via a planning obligation. The condition requested by the LLFA regarding temporary drainage is recommended.

Ecological considerations

- 10.55 The site is within a Biodiversity Opportunity Zone (Built-up Areas).

- 10.56 The applicant has submitted an Ecological Impact Assessment Report (EclA), as well as detailed information regarding bat activity in and around the site. The applicant's submission indicates a high level of bat activity on and adjacent to the site, with a common pipistrelle bat roost located in an adjacent tree within Ings Grove Park and two bat roosts confirmed within Building 2. The roosts within the building consist of a common pipistrelle roost and soprano pipistrelle roost.
- 10.57 The location of only one bat roost has been described by the applicant, the status of the roosts (i.e., whether they are day, transitory or maternity roosts) has not been assessed, and the potential impacts to local bat populations due to the removal of these roosts has not been quantified. The applicant's EclA recommends that work to Building 2 must be carried out under a licence from Natural England, however this does not equate to adequate mitigation for the resulting loss of bat roosts from the site. In addition, further information is required regarding how the bat roost within the adjacent park would be protected during the construction and operational stages of the development. Without this information the proposals do not satisfy the requirements of Local Plan policy LP30i.
- 10.58 A condition is recommended to require the submission of this further information prior to demolition commencing. This condition would also address the net biodiversity gain requirement set out in Local Plan policy LP30 and chapter 15 of the NPPF by requiring the submission of details of the site's baseline ecological value, and of measures to secure a biodiversity net gain. A related planning obligation is also recommended, should off-site compensation prove necessary.
- 10.59 A condition requiring the submission of an Ecological Design Strategy is also recommended.

Trees

- 10.60 There are no protected trees within the application site, however trees in the adjacent park are the subject of Tree Preservation Orders. These trees overhang the site boundary.
- 10.61 In response to an officer request, the applicant submitted an Arboricultural Method Statement (AMS). While raising no objection in principle to the proposed development, the council's Arboricultural Officer noted that the AMS was not very detailed, and that the specification of fencing (proposed to protect trees) may need to be changed at a later stage. No pruning is specified in the AMS in relation to demolition and construction, however the council's Arboricultural Officer has advised that these details can be secured by condition.

- 10.62 Conditions are recommended requiring the implementation of the measures set out in the AMS, and the submission of details of any additional tree works that may be required during construction.

Environmental and public health

- 10.63 The proposed development would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies LP21, LP24 and LP51, the West Yorkshire Low Emission Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance.
- 10.64 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed on-site outdoor amenity space, the adjacent recreation facility (Ings Grove Park), the proposed provision of accessible and affordable housing with good levels of amenity, and the measures (either proposed or to be secured) to encourage and facilitate active travel, it is considered that the proposed development would not have negative impacts on human health.

Ground conditions

- 10.65 With regard to site contamination, the applicant submitted a Stage 1 Desk Study Report, the conclusions of which are considered acceptable. In accordance with advice from Environmental Health officers, four conditions relevant to site contamination are recommended to ensure compliance with Local Plan policy LP53.
- 10.66 The site is not within a Development High Risk Area, however there is a legacy of coal mining in the area, and the applicant has been advised to refer to the Coal Authority's standing advice.

Representations

- 10.67 10 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

- 10.68 To mitigate the impacts of the proposed development, and to secure the public benefits relevant to the planning balance, the following planning obligations would need to be secured via a Section 106 agreement:

- 1) Affordable housing – 13 affordable housing units to be provided in perpetuity.
- 2) Sustainable transport – £10,000 contribution towards bus stop improvements.
- 3) Management – Arrangements for the management and maintenance of any land not adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 4) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.

- 10.69 WYCA Metro requested a £20,000 contribution towards real-time displays at two bus stops close to the application site. The applicant objected to this request, stating that the scheme (which is a Registered Provider's 100% affordable specialist housing scheme) is unviable in the conventional sense, and could not afford this contribution. Rather than request a financial viability appraisal of the proposed development (which, officers do not doubt, would indeed demonstrate that the scheme could not support the contribution), officers suggested a compromise of a £10,000 contribution towards bus stop displays. This was suggested to avoid further delay to the determination of the application, and a scenario (following a viability appraisal) where the applicant could demonstrate that no contribution was viable. The applicant agreed to a £10,000 contribution.
- 10.70 The biodiversity net gain contribution would be determined with reference to the site's existing baseline (and its value quantified using the DEFRA Biodiversity Metric) compared with the site's post-development value.
- 10.71 Of note, as the site is owned by the council, and as the council (as local planning authority) cannot enter into a Section 106 agreement with itself, the above obligations need to be secured via a Section 111 agreement, which in turn requires a Section 106 agreement to be entered into once the site is acquired by the applicant.

Conditions

- 10.72 Conditions, based on those listed in this report, have been drafted and sent to applicant for comment. On 02/07/2021 the applicant confirmed that the pre-commencement conditions were agreed.
- 10.73 Cllr Bolt has expressed concern regarding the possibility of conditions being amended after the decision has been issued, however all the conditions listed in this report would indeed be included in the council's decision notice, and if, at some time in the future (if the development is completed), the owner wishes to vary or delete conditions (to, for example, allow unrestricted use of the office, or allow the accommodation to be occupied by a different user group, a

Section 73 application would need to be submitted. Local residents would be consulted on such an application.

Other planning matters

- 10.74 Cllr Bolt asked for application drawings to be displayed or viewed at Mirfield Library. The council has not sent hard copies of planning application drawings to local libraries for several years, however there are publicly-accessible computer terminals in Mirfield Library where residents are able to view the submitted drawings – this is explained in the council's consultation letters. Given the council's consultation and the number of responses received, as well as the availability of the application documents online, officers are of the view that there is good public knowledge of the proposed development.
- 10.75 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

11.0 CONCLUSION

- 11.1 The application site is unallocated in the Local Plan, and the principle of residential development at this site is considered acceptable. The provision of supported living apartments for adults with a social care need is welcomed.
- 11.2 The site is constrained by its limited size, the amenities of neighbouring residential properties, adjacent protected trees, the site's limited options for providing vehicular access, ecological considerations, drainage and other matters relevant to planning. The proposed development responds well to these constraints, and further details and compliance can be secured by appropriate conditions and a Section 106 agreement. The proposed development is considered acceptable in terms of land use, sustainability, highways impacts and parking, amenity impacts, design and other planning considerations.
- 11.3 The NPPF 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 proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and planning obligations, it is considered that the proposed development would constitute

sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 RECOMMENDATION:

12.1 Approve planning permission subject to the conditions listed below and a Section 106 agreement (via a S111 agreement) to cover the following matters:

- 1) Affordable housing – 13 affordable housing units to be provided in perpetuity.
- 2) Sustainable transport – £10,000 contribution towards bus stop improvements.
- 3) Management – Arrangements for the management and maintenance of any land not adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 4) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.

13.0 PLANS AND SPECIFICATIONS

13.1 Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site location plan	501/01(02)001	rev A	19/12/2019
Proposed site plan	501/01(02)011	rev D	04/09/2020
Proposed elevations	501/01(02)050	rev B	04/09/2020
Proposed ground floor plan	501/01(02)020	rev D	19/12/2019
Proposed first floor plan	501/01(02)021	rev E	04/09/2020
Proposed roof plan	501/01(02)022	rev C	04/09/2020
Apartment type A internal layout	501/01(02)030	rev A	19/12/2019
Apartment type B internal layout	501/01(02)031	rev D	04/09/2020
Apartment type C internal layout	501/01(02)032	rev B	19/12/2019
Apartment type D internal layout	501/01(02)033	rev B	19/12/2019
Apartment type E internal layout	501/01(02)034	rev A	19/12/2019
Apartment type F internal layout	501/01(02)035	rev B	19/12/2019
Apartment type H internal layout	501/01(02)037	rev B	04/09/2020
Apartment type J	501/01(02)038	rev A	19/12/2019

Plan Type	Reference	Version	Date Received
Existing site location plan	501/01(02)001	rev A	19/12/2019
internal layout			
Apartment type K internal layout	501/01(02)039	rev A	19/12/2019
Apartment type L internal layout	501/01(02)040	rev B	19/12/2019
Apartment type M internal layout	501/01(02)041	rev B	19/12/2019
Proposed building site sections	501/01(02)051	rev B	04/09/2020
Proposed sections and street scenes	501/01(02)052	rev B	04/09/2020
Proposed building site sections	501/01(02)053		04/06/2020
Proposed boundary treatments	501/01(02)012	rev B	04/09/2020
Proposed external bin store layout	501/01(90)001		04/09/2020
Proposed drainage layout	110	rev P1	17/07/2020
Drainage details sheet 1	125	rev P1	16/07/2020
Drainage details sheet 2	126	rev P1	16/07/2020
Proposed tree constraints plan	501/01(02)013	rev A	19/12/2019
Planning Statement	Brewster Bye, November 2019		19/12/2019
Design and Access Statement	Brewster Bye, December 2019		19/12/2019
Transport Statement	TPS, P1384_20191128, 28/11/2019	Issue 1	24/12/2019
Flood Risk Assessment	ARP, 2071/01r1, 23/01/2020		03/02/2020
Drainage calculations	Dudleys, CAL01(A), July 2020		16/07/2020
Project Sustainability Appraisal	Brewster Bye		18/02/2020
Preliminary Ecological Appraisal and Bat Scoping Report	JCA, 14607b/JB, 15/04/2019		19/12/2019
Ecological Impact Assessment Report	JCA, 14607c/JB, 30/10/2019		19/12/2019
Bat Survey and	JCA, 14607d/JB,		08/01/2020

Plan Type	Reference	Version	Date Received
Existing site location plan	501/01(02)001	rev A	19/12/2019
Report	19/07/2019		
Arboricultural Report	JCA, 14607/AJB, 21/12/2018		19/12/2019
Arboricultural Impact Assessment	JCA, 14607-A/AJB, 22/11/2019		19/12/2019
Arboricultural Method Statement	JCA, 14607-F/AJB, 03/06/2020		04/06/2020
Stage 1 Desk Study Report	ARP, CNN/01r1, 22/11/2019	V1 FINAL	24/12/2019
Assessment of Potential Noise Impact	Hepworth Acoustics, P19-503-R01v1	v1	24/12/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and 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. The Council engaged with the applicant at pre-application stage to ensure relevant planning considerations were appropriately addressed prior to the submission of applications for planning permission. Amendments were also negotiated during the life of the application.

14.0 CONDITIONS

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

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be carried out only by Connect Housing Association and shall be occupied only by adults with a social care and/or housing support need (whereby "housing support" is defined as per the definitions of "support" and "supported housing" set out in the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016) and who require affordable housing.

Reason: To ensure the residential accommodation hereby approved is retained for the intended user group and to prevent the development being occupied by a different, specified user group or as general needs housing without a further planning application being submitted and without the planning implications of such a change being formally considered.

4. The ground floor office of the development hereby approved shall be used only by support staff and residents for administration work, case conferences, staff breaks and other uses ancillary to the residential use hereby approved, and shall not be put to a separate Class E use (as defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or used by any external organisation or for functions.

Reason: To ensure the ground floor office space remains ancillary to the residential use hereby approved, in the interests of amenity and to ensure additional parking demand is not introduced.

5. Prior to superstructure works commencing, details and samples of all external materials (including window materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved. No external materials other than those approved in accordance with this condition shall be used.

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

6. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, satellite dishes and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

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

7. Notwithstanding what is shown on drawing 501/01(02)012 rev B, prior to the commencement of development, details (including sections and details of levels) of all boundary treatments, and any boundary retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and shall be retained thereafter.

Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential accommodation hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure an appropriate scheme for boundary treatment (including, where possible, the retention of

existing boundary treatments that are of amenity value) is devised and agreed at an appropriate stage of the development process.

8. Prior to occupation of the development hereby approved, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of lighting, boundary treatments and landscaping corresponding with details to be provided pursuant to conditions 7 and 9.

Reason: In the interests of preventing crime and anti-social behaviour and to accord with Policy LP24 of the Kirklees Local Plan.

9. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- a) Details of existing and proposed levels, and regrading;
- b) Species schedule and planting plans;
- c) Details of initial aftercare and long-term maintenance;
- d) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails, dies, is removed or becomes diseased within the first five years from completion; and
- e) Details (including samples, if requested), of paving and other hard surface materials.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

10. The development hereby approved shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement (ref: JCA, 14607-F/AJB). These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan.

11. Details of any additional tree works required during the construction process, that are not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan.

12. Prior to the occupation of any part of the development hereby approved, 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 13/05/2009 (ISBN 9781409804864) as amended or superseded, and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

13. Prior to development commencing on the superstructure of the development hereby approved, the design and construction details of all permanent highway retaining structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

14. The development hereby approved shall not be occupied prior to the provision of the cycle parking shown on drawing 501/01(02)011 rev D. The cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to encourage the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

15. Prior to the installation of the electrical system of the development hereby approved a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces

Dwellings 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. The charging points installed shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47,

LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

16. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a timetable of all works and details of:

- point(s) of access for construction traffic
- construction vehicle sizes and routes;
- times of construction vehicle movements;
- parking for construction workers;
- signage;
- pre-development road condition surveys;
- wheel washing facilities within the site;
- road sweeping in the event that debris from the site are spread onto the highway;
- artificial lighting to be used during construction works;
- hours of working;
- dust suppression measures; and
- measures to control noise and vibration from construction-related activities.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24, LP27 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, to avoid increased flood risk, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

17. Prior to the commencement of development, details of temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and shall demonstrate how flooding of adjacent land shall be prevented. The temporary works shall be implemented in accordance with the approved details prior to the commencement of development. The approved temporary drainage scheme shall be retained until the permanent surface water drainage system (to be approved pursuant to condition 18) is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

18. Prior to the commencement of development, a scheme restricting the rate of surface water discharge from the site to a maximum of 19.5 litres per second shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes of water generated in exceedance of the critical 1 in 30 year return event, up to and including the critical 1 in 100 year storm event with a 30% allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. Under CDM regulations 2015, the scheme shall include a detailed maintenance and management regime for the storage facility including safe access, cleansing and inspection of the attenuation, the flow control device and other ancillaries. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

19. The development hereby approved shall be provided with separate systems of drainage for foul and surface water and these systems shall be completed prior to any piped discharge of surface water from the development.

Reason: In the interests of satisfactory and sustainable drainage and so as to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan.

20. Prior to the commencement of development, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall demonstrate that a net biodiversity gain will be achieved, and shall include the following details:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Seasonal timings of works with regards to roosting bats and nesting birds;

- Replacement bat roosts and/or protection of roost sites, including the roost within the adjacent tree in Ings Grove Park;
- An appropriate lighting design illustrating how impacts to existing and replacement bat roosts will be minimised;
- Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges (habitat boxes to be integral to new structures where such opportunities exist);
- A planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance; and
- Details of monitoring and remedial measures.

The EDS shall set out (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully-functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved EDS.

Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33, of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relevant to ecological impact and biodiversity net gain are agreed at an appropriate stage of the development process.

21. Prior to the commencement of development (including ground works), a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

22. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 21 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

23. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 22. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

24. 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. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan.

25. Prior to the occupation of the development hereby approved, all windows shall be fitted with a sound reduction performance of 25dB Rw and acoustic trickle vents.

Reason: In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of building, structures or roads shall not take place outside the hours of:

07:30 and 18:30 hours Mondays to Fridays
08:00 and 13:00 hours Saturdays

With no working on 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 Council can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: For the avoidance of doubt regarding condition 3, the definitions of “support” and “supported housing” set out in the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016) are:

“support” includes—

- (a) sheltered accommodation,*
- (b) extra care housing,*
- (c) domestic violence refuges,*
- (d) hostels for the homeless,*
- (e) support for people with drug or alcohol problems,*
- (f) support for people with mental health problems,*
- (g) support for people with learning disabilities,*
- (h) support for people with disabilities,*
- (i) support for offenders and people at risk of offending,*
- (j) support for young people leaving care,*
- (k) support for teenage parents,*
- (l) support for refugees*

“supported housing” means low cost rental accommodation provided by a registered provider which—

- (a) is made available only in conjunction with the supply of support,*
- (b) is made available exclusively to residents who have been identified as needing support, and*
- (c) falls into one or both of the following categories—*
 - (i) accommodation that has been designed, structurally altered or refurbished in order to enable residents to live independently,*
 - (ii) accommodation that has been designated as being available only to individuals within an identified group with specific support needs.*

Report Dated: 10/09/2021

