

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

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

Reference No: 2021/44/92009/W

Site Address: Union Mills, Tanyard Road, Milnsbridge, Huddersfield, HD3 4NB

Description: Discharge of conditions 3 (preliminary risk assessment), 9 (drainage scheme), 10 (internal sound levels), 11 (ventilation scheme), 12 (flood evacuation plan), 13 (soft landscaping), 14 (construction environmental management plan), 15 (landscape and ecological management plan), 17 (bat roosting feature), 18 (electric vehicle charging), 19 (public open space), 20 (travel plan) and 21 (crime prevention) on previous permission 2018/90209 for change of use and alterations to mill to form 41 apartments (within a Conservation Area)

Recommending Officer: Nick Hirst

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision on this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 02-Jul-2021

Application: 2021/44/92009/W

Site: Union Mills, Tanyard Road, Milnsbridge, Huddersfield, HD3 4NB

Proposal: Discharge of conditions 3 (preliminary risk assessment), 9 (drainage scheme), 10 (internal sound levels), 11 (ventilation scheme), 12 (flood evacuation plan), 13 (soft landscaping), 14 (construction environmental management plan), 15 (landscape and ecological management plan), 17 (bat roosting feature), 18 (electric vehicle charging), 19 (public open space), 20 (travel plan) and 21 (crime prevention) on previous permission 2018/90209 for change of use and alterations to mill to form 41 apartments (within a Conservation Area)

Assessment

Condition 3 (preliminary risk assessment)

3. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To identify unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.*

This condition was requested by K.C. Environmental Health, who have stated:

To discharge Condition 3, a Phase 1 Environmental Assessment by Mason Clark Associates dated May 2014 (ref: 12258L) has been received. The Phase I report provides an appraisal of the site history and previous surrounding land uses, since the 1800s. The report identifies that the site has been part of Stanley Mills since the 1930s. The Phase I report then presents a basic preliminary conceptual model that identifies 'solid contaminants and, 'liquid contaminants' amongst several hazards that may impact the site. The report then concludes that an intrusive investigation is required and should include 'soil samples and test for heavy metals, pH, PAH and petroleum hydrocarbons' and to 'establish if there are any unrecorded contaminants present on site from former use'.

There are several issues with the report submitted. For clarity, our key concerns are addressed point-by-point below:

(1) Notably, the submitted Phase I report is dated 2014. It is plausible that the site conditions have changed since the time of writing and these may affect the contamination status of the site (e.g., fly tipping, burning of wastes, demolition etc). We consider that a new site walkover is required to confirm the validity of the information provided in the provided previous Phase I report.

(2) The preliminary conceptual model provided in the report is unsatisfactory. Our records indicate the site is located on, and adjacent to several historical land uses that have the potential to contaminate and impact the future development. It is unclear what it meant by 'liquid contaminants' and 'solid contaminants.' In addition, several potential source-pathway-receptors appear to be missing or insufficiently addressed. Overall, we consider the conceptual model to be basic and as such further information is required.

(3) The report concludes that a Phase II report is required and that testing for heavy metals, pH, PAH, hydrocarbons will be undertaken. Given the site history and adjacent land uses including a chemical works, it is unclear why this does not include a more detailed testing schedule. Further justification is required in relation to the testing proposed.

Overall, we consider the report provided unsatisfactory as further information is required as detailed above.

Planning officers support the technical assessment from K.C. Environmental Health, and are therefore unable to discharge condition 3.

Condition 9 (drainage scheme)

9. Other than demolition works, development shall not commence until a scheme detailing foul and surface water drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the approved drainage scheme has been completed. The approved scheme shall thereafter be retained.

Reason: *To ensure adequate drainage provision is made to accommodate foul and surface water drainage from the site and to accord with Kirklees Local Plan Policies LP27 and LP28 and Section 14 of the National Planning Policy Framework.*

This condition was requested by the Lead Local Flood Authority, who have assessed the details as follows:

The proposed allowable discharge rate of 18 l/s and storage volume of 40m³ is acceptable to the LLFA. However, geocell type tanks are not favoured by the LLFA as they cannot be easily inspected and maintained and potentially could fail due to creep/failure of membrane over time. Storage provisions such as oversized pipes or concrete box type tanks should be considered and the developer should assess these options. A maintenance regime for the surface water drainage system and details of who will be responsible for the long-term maintenance should be provided.

Further information is required; therefore Condition 9 cannot be discharged

Additional information on the use of a geocell type attenuation tank and its long-term management and maintenance is required. In the absence of this information, condition 9 cannot be discharged.

Of note, if satisfactory information regarding the management and maintenance of a geocell tank cannot be provided by the applicant, and alternative storage solution will need to be proposed.

Condition 10 (internal sound levels)

10. Before first occupation, the developer shall provide written evidence to the local planning authority to demonstrate that the following internal sound levels have been achieved in habitable rooms

- 1. The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.*
- 2. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.*
- 3. The LAF1 (15min) indoor shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.*

If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved

shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: *In the interests of residential amenity and so as not to prejudice employment uses on the adjacent land that is within a designated Priority Employment Area. This is to accord with Policies LP8 and LP52 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

This condition was requested by K.C. Environmental Health, who have stated:

The applicant has submitted a Background Noise Assessment authored by Clover Acoustics Ltd dated 09 September 2020 Ref 4388-R1.

A baseline noise survey was carried out over a 24-hour period in order to assess the impact from noise sources at the proposed development. The survey was conducted at two monitoring positions (MP1 and MP2) covering a typical period commencing on Friday 14th August 2020. The report states that subjectively, the local acoustic environment is dominated by traffic noise from Tanyard Road with the adjacent river and weir being the dominant sources to the rear of site.

At MP1 to the front of the development, the daytime hourly equivalent continuous sound pressure levels at the proposed boundary ranged between 55dB LAeq,1hr and 68dB LAeq,1hr with an average level during the daytime period of 61dB LAeq,16hr. The night-time hourly equivalent continuous sound pressure levels at the proposed boundary ranged between 41dB LAeq,1hr and 56dB LAeq,1hr with an average level during the night-time period of 52dB LAeq,8hr. The 10th highest night-time individual noise event between the hours of 2300 and 0700 was 77dB LAmax.

At MP2 to the rear of the development, the daytime hourly equivalent continuous sound pressure levels at the proposed boundary ranged between 52dB LAeq,1hr and 60dB LAeq,1hr with an average level during the daytime period of 55dB LAeq,16hr. The night-time hourly equivalent continuous sound pressure levels at the proposed boundary ranged between 50dB LAeq,1hr and 52dB LAeq,1hr with an average level during the night-time period of 51dB LAeq,8hr. The 10th highest night-time individual noise event between the hours of 2300 and 0700 was 67dB LAmax.

Measured levels at both MP1 and MP2 exceed the permitted levels in BS8233 and mitigation would be required to ensure there is no loss of amenity to the occupiers of the development and Section 7 of the report gives specifications for the glazing performance required to

achieve the criteria within BS8233. The report specifies the glazing performance requirement to the facades at both MP1 and MP2 for living rooms, dining rooms and bedroom areas. There is no external amenity space or balconies and as external levels outside bedrooms are in excess of the LAeq and LMax criteria, internal levels can be achieved with the glazing specified together with a suitable ventilation strategy. The report states that the internal noise levels offered in BS8233 would not be considered applicable under 'purge ventilation' conditions meaning the occupiers would not be able to open windows without being exposed to high levels of noise and therefore, alternative ventilation will be required. This aspect is covered and addressed under condition 11.

The findings of the report are accepted.

K.C. Environmental Health support the applicant's findings. Details can therefore be approved pursuant to condition 10.

Condition 11 (ventilation scheme)

11. Other than demolition works, no development shall commence until a ventilation scheme to show how habitable rooms shall be ventilated without the need to open windows shall be submitted to and approved in writing by the LPA. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

Reason: *In the interests of residential amenity and to accord with Policy LP52 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework.*

This condition was requested by K.C. Environmental Health, who have stated:

Section 7 of the Background Noise Assessment authored by Clover Acoustics Ltd dated 09 September 2020 Ref 4388-R1 makes reference to a Ventilation Strategy & Specification. In mitigating the noise, it states the internal noise guidance levels offered in BS8233 would not be considered applicable under 'purge ventilation' conditions and makes reference to Greenwood (ventilation equipment manufacturer) being consulted.

The applicant has submitted two technical drawings from Domus Ventilation dated 22 March 2021 Ref Opp61102 which show the mechanical ventilation installations to the first and second floors of the development with layouts repeated on floors two and three. It refers to HRXE-HERA and HRXE-HERA-OP which are Mechanical Ventilation with Heat Recovery systems from Domus Ventilation.

The drawings show the installation but no information is given on whether the ventilation equipment proposed will meet with the permitted internal levels specified in BS8233. It is critical the occupiers of the development have ventilation without being exposed to high levels of mechanical ventilation noise and this information will be required to ensure the installation is compliant with BS8233.

The ventilation Scheme must also demonstrate how habitable rooms of these apartments will be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

Planning officers support the technical assessment from K.C. Environmental Health, and are therefore unable to discharge condition 11.

Condition 12 (flood evacuation plan)

12. Before first occupation, a Flood Evacuation Plan shall be submitted and approved in writing by the Local Planning Authority. In the event of serious flooding events the approved scheme shall be fully implemented.

Reason: *To ensure the occupants can evacuate the site safely during a flooding event and to accord with Section 14 of the National Planning Policy Framework.*

The LLFA have reviewed the submitted information. They confirmed that they have no adverse comments on the proposed evacuation plan and confirmed that the condition can be discharged.

Condition 13 (soft landscaping)

13. Details of the areas of soft landscaping as shown on the approved site plan (drawing number 2466-07) shall be submitted to and approved in writing by the Local Planning Authority before the residential units are first brought into use and shall thereafter be retained as such.

Reason: *In the interests of visual and residential amenity and to enhance the biodiversity of the site and to accord with Policies LP24 and LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

This condition was requested by K.C. Landscape. They have stated that a particular species, *fagus sylvatica*, is too close to neighbouring units (north-east of the site) and must be moved away. They suggest its location is swapped with the proposed *prunus serrulate* elsewhere within the site.

As it stands, the submitted details are not acceptable and condition 13 cannot be discharged.

Condition 14 (construction environmental management plan)

14. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.*
- b. Identification of "biodiversity protection zones".*
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d. The location and timing of sensitive works to avoid harm to biodiversity features.*
- e. The times during construction when specialist ecologists need to be present on site to oversee works, if appropriate.*
- f. Responsible persons and lines of communication.*
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h. Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period.

Reason: *To ensure construction of the proposals does not result in significant harm to biodiversity in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated with the construction phase.*

This condition was requested by K.C. Ecology, who have provided the following assessment:

The submitted Construction Environmental Management Plan (CEMP) provided general recommendations for safe working practices in regards to the biodiversity on the site but it is not considered to meet all of the requirements imposed by Condition 14. The following

amendments/clarifications are requested in order for the document to be considered acceptable-

- A bat mitigation strategy was produced for original application which imposed the requirement for specific timing of works in relation to replacement windows to prevent impacts to roosting bats. These requirements should be clearly referenced and included within the CEMP, including the need for an EPS licence and an ECoW at various stages of the development. In addition, although the CEMP recommends “Night working should be avoided, and any artificial lighting should be directed away from the adjacent river.” This does not give enough security to ensure bat roosts on the site will not be impacted by on-site lighting during the construction stage.*
- The CEMP includes the requirement of protective fencing along the River Colne but does not include reference to the size or extent of the “biodiversity protection zone” to be implemented. Further clarification is required.*
- A number of different methods are recommended which could be implemented to treat the Japanese knotweed on site but no indication of the method to be utilised has been provided or how this will be implemented within the work schedule on the site. Further clarification is required.*

Based on the above I cannot currently support the discharge of Condition 14.

Officers accept the technical assessment offered by K.C. Ecology and are unable to discharge condition 14.

Condition 15 (landscape and ecological management plan)

15. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior occupation of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.*
- b. Ecological trends and constraints on site that might influence management.*
- c. Aims and objectives of management.*
- d. Appropriate management options for achieving aims and objectives.*
- e. Prescriptions for management actions.*
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*

- g. Details of the body or organization responsible for implementation of the plan.*
- h. Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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 approved plan will be implemented in accordance with the approved details.

Reason: *To ensure the scheme provides a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.*

This condition was requested by K.C. Ecology and K.C Landscape, who have provided the following assessment:

Ecology

A Landscape and Ecological Management Plan (LEMP) has been provided in addition to a soft landscaping details plan. These two documents do not correspond and are several amendments required to the LEMP in order to comply with conditions 16 and 17:

- The LEMP is worded as a series of recommendations. As this is in relation to a condition, plans should be finalised and decisive language should be used throughout in order to give security of positive ecological outcomes on the site.*
- The landscaping plan specifies an ornamental planting schedule, the species used within this do not correspond with those included within the LEMP. The planting plan is primarily composed of ornamental species whilst those included in the bat mitigation strategy and LEMP are a mixture of native shrubs. A mixture of ornamental and native species would be considered to be of higher benefit to wildlife, in addition the use of native shrub planting was a component of the bat mitigation strategy which is required to be implemented under Condition 16.*
- In particular in the specified grassland areas to be seeded with a wildflower seed mix, these do not appear on the landscaping plan which instead refers to “proposed turf areas” within gardens despite no gardens being included on the site.*

- *The LEMP mentions the incorporation of bird boxes however these are not illustrated on any plans.*
- *The monitoring schedules include measures which are not relevant to this scheme including hedgehog holes, boxes and hedgerow management.*
- *The proposed monitoring time for the bat boxes on site is over winter, however the type bat box installed would require monitoring over the summer bat roosting period in order to establish usage. This is also iterated within the bat mitigation strategy. The monitoring schedule should correspond between these documents.*

A lighting plan has been included within the LEMP. Secure by design comments have been received regarding this plan and therefore amendments will be required to this. Further assessment and comments by KC ecology will be required once these have been made. In addition to the location of lights to be installed it is requested that a horizontal (and preferably vertical) lighting contour plan with clear lux levels is provided to demonstrate no ecological features will be impacted by the proposed lighting.

Based on the above, I cannot support the discharge of Condition 15.

Condition 16 is a prescriptive condition requiring development to be carried out in accordance with all mitigation measures set out in the Bat Mitigation Strategy. On review of condition 15's submission, K.C. Ecology have added the following re. condition 16:

As above, the measures for native planting have not been incorporated into the soft landscaping which is a requirement of this condition [16]. In addition, a new lighting plan is required, and this will need to demonstrate compliance with the measures set out within the bat mitigation strategy.

Although this does not require discharge, there are concerns that submitted information currently conflicts with the objectives set out by this condition.

Landscape

Para 5.2 Shrub Planting – refers to native shrub species including Table 4. Para 5.3 Tree planting refers to trees listed in Table 5. None of

these trees or shrubs are in the Landscaping details plan (100)50's planting schedule.

In addition, reference is made to wildflower seed mixes in 5.4.4 and Table 6 provides the list of species chosen – however species rich meadow and wildflower areas are not included on the landscaping plan drawing (100)50.

Part g of the condition requires details of the body or organization responsible for implementation of the plan – which I am unable to find in the LEMP provided.

There is some ambiguity as to the LEMP specification and that of the landscaping plan. Until the planting specification is clarified and the landscape plan and the LEMP relate to the same planting scheme, and item g confirmed, this condition cannot be discharged.

Officers accept the technical assessments provided by K.C. Ecology and K.C. Landscape and are unable to discharge condition 15. A note regarding K.C. Ecology's concerns over condition 16 will also be applied, for the applicant's information.

Condition 17 (bat roosting feature)

17. No development shall commence until details of the bat roosting feature outlined in paragraph 4.1.7 of the Bat Mitigation Strategy (ref 13909c/AR) dated 13/01/20) has been submitted to and approved in writing by the Local Planning Authority. The approved bat roosting feature shall be fully installed prior to first occupation and thereafter maintained.

Reason: *To ensure the scheme provides a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that adequate provision is made for local bat populations.*

This condition was requested by K.C. Ecology. Paragraph 4.1.7 of the application-stage Bat Mitigation Strategy states that a 'new roof void [bat loft] will be incorporated into the development proposals'. External bat boxes were also shown on plan.

The same plan has been provided. The external bat boxes are acceptable, however no further details on the bat loft have been provided. In the absence of this information condition 17 cannot be discharged.

Condition 18 (electric vehicle charging)

18. A scheme for the provision of electric vehicle recharging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The scheme so approved shall be provided before the development is first brought into use and thereafter retained as such. The scheme shall include a minimum of 1 standard electrical vehicle charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking).

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP51 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

This condition was requested by K.C. Environmental Health, who have stated:

The applicant has submitted a technical drawing no. (100)50 - Car Charging Points Public Open Space (Pos) & Landscaping Details dated May 2021 Ref 2466 which shows 11 electric charging points but no specification is given on them.

To assist the applicant, the installed scheme shall meet at least the following minimum standard for numbers and power output:

- *A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space*
- *One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings*

A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of 'Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)' by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have a Type 2 socket outlet would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

The number of charging spaces (11) is acceptable. However, no specifics on the EVCP units proposed have been provided. These should comply with the standard outlined by K.C. Environmental Health.

Until this information is required, condition 18 cannot be discharged.

Condition 19 (public open space)

19. No development shall commence until arrangements for the provision of public open space to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:

- a) the layout and disposition of the public open space.*
- b) the timescale for the implementation and completion of the works to provide the public open space;*
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.*
- d) maintenance of the public open space in perpetuity.*

Reason: *To accord with Kirklees Local Plan Policy LP63 and Section 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure these matters are identified and agreed at an appropriate stage*

The applicant has provided no information to discharge this condition. Based on the proposal delivering 41 apartments (15x 1-beds, 26x 2-beds) in accordance with Policy LP63 the proposal is required to provide:

- Amenity green space: 597.78sqm
- Parks and recreation: 797.04sqm
- Natural and semi-natural green space: 1992.60sqm
- Allotments / community growing: 0sqm
- Outdoor sports: 0sqm
- Children and young people: 361.80sqm

This equates to a total provision of 3,749.22sqm of on-site Public Open Space, or in lieu an off-site contribution of £70,908.69 (including admin fee).

The plan ref. '(100)50 Rev. A' shows two areas, of 75sqm and 110sqm, as 'Natural / Unnatural' (presumed to mean semi-natural) public open space. K.C. Landscape consider these to be acceptable.

On review of the site plan, there are considered to be no further opportunities for the provision of on-site public open space. Taking into account the 185sqm

of Natural and Semi-natural green space proposed on site, the off-site contribution would be reduced to £69,101.

Therefore, there is a need to secure the off-site contribution. This must be secured via a S106 obligation, which the applicant has not provided a draft of. Therefore condition 19 cannot be discharged.

A note outlining this process and requirements is to be included in the decision notice, for the applicant's information.

Condition 20 (travel plan)

20. No part of the development shall be brought into use until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- *Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;*
- *The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring;*
- *The provision of travel Information;*
- *Implementation and review timescale; and*
- *Enforcement, sanctions and corrective/review mechanisms.*

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: *To promote sustainable forms of travel and to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

This condition was requested by K.C. Highways who have reviewed the submitted details and confirmed they are acceptable. Details can therefore be approved pursuant to condition 20.

Condition 21 (crime prevention)

21. A scheme detailing crime prevention measures for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The approved crime prevention measures shall be implemented before the building is first occupied and shall thereafter be retained as such. The scheme shall include:

- *How access will be controlled into the building*
- *Details of how publicly accessible areas will be lit*
- *Details of cycle storage provision*
- *Details of how mail delivery will be secured*
- *Security measures for individual dwellings*

Reason: *To mitigate opportunities for crime and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

This condition was requested by the Council's Designing Out Crime Officer. While broadly supportive of the details provided, they object to the proposed use of bollard lighting in the car park. Bollard lighting provides inadequate lighting and is contrary to standing advice previously provided, which states:

Bollards should not be used on any design unless just for waymarking. They are unsuitable for bats as they dump all of their light beneath the bollard creating bright patches which are higher than that achieved with lighting columns. They also push light upwards to provide the spread of light and therefore provide increased levels of upward light and spill light (both not good for ecology despite what the new ILP and bat conservation trust guidance may say). A 5-6m high column with the appropriate optical controlled streetlight will always give a better result and lessen the impact against bollards.

The DOCO has stated:

I would like to encourage the applicants to change the submitted lighting bollards to a lighting scheme that will incorporate the above advice and standards, thus maintaining the requirement for the ecology and site security.

Accordingly, condition 21 cannot be discharged.

Summary

Condition 10, 12 and 20 may be discharged at this time.

Conditions 3, 9, 11, 13, 14, 15, 17, 19, 18 and 21 cannot be discharged as the submitted details are not acceptable.

Recommendation: Issue Split Decision

Report Dated: 29/06/2021

Proposed Letter Text

Condition 3 (preliminary risk assessment)

Pursuant to Condition 3, a Phase 1 Environmental Assessment by Mason Clark Associates dated May 2014 (ref: 12258L) has been received.

There are several issues with the report submitted which prevent condition 3 being discharged. These issues are detailed within the consultation response from K.C. Environmental Health dated the 22/06/2021,

Condition 9 (drainage scheme)

You have submitted the following documents to discharge condition 9:

- 18879-L-DR-200-P1 Drainage Assessment
- 18879-L-DR-201-P1 Proposed Drainage General Arrangement
- 18879-L-DR-202-P1 Drainage Construction Details
- 18879-L-RG-002 - Drawing Issue Sheet
- SHE-0190-1800-1000-1800_Design_Drawing
- SHE-0190-1800-1000-1800_Hydraulic_Characteristics
- Storage Requirements 100 yr +30%

The proposed allowable discharge rate of 18 l/s and storage volume of 40m³ is acceptable. However, the use of a geocell type tank has not been justified and is not accepted at this time.

The Local Planning Authority are responsible for ensuring the ongoing and long-term management and maintenance of drainage features is secured as part of the planning process.

Geocell type tank cannot be easily inspected or maintained, and potentially could fail due to creep/failure of membrane over time with an overall low lifetime expectancy. Alternative methods of storage provisions, such as oversized pipes or concrete box type tanks, should be considered and the developer should assess these options. A maintenance regime for the surface water drainage system and details of who will be responsible for the long-term maintenance should be provided. These will require securing with a S106 agreement.

Due to these concerns, condition 9 cannot be discharged at this time.

Condition 10 (internal sound levels)

You have submitted a Background Noise Assessment authored by Clover Acoustics Ltd dated 09/09/2020 ref 4388-R1 to discharge condition 10.

The report confirms that the originally prescribed noise levels cannot be achieved. Therefore the report sets out '*a further scheme incorporating further measures to achieve those sound levels*'.

I can confirm that the submitted 'further scheme' is acceptable for the relevant purpose of condition 10 (only). However, please be aware that condition 10 has the following ongoing requirement:

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Given the ongoing requirement includes the submission of further details, condition 10 cannot currently be discharged and further submissions are required at the appropriate time.

Condition 11 (ventilation scheme)

You have submitted a Background Noise Assessment authored by Clover Acoustics Ltd dated 09/09/2020 ref 4388-R1 and two technical drawings from Domus Ventilation dated 22/03/2021 ref Opp61102 to discharge condition 11.

The submitted information is not accepted and condition 11 cannot be discharged at this time. For details, please see the associated consultation response from K.C. Environmental Health dated 22/06/2021.

Condition 12 (flood evacuation plan)

You have submitted a Flood Evacuation Plan, by Mason Clark Associates and referenced '18879-L-RP-001-R0', to discharge condition 12.

I can confirm that the submitted information is acceptable.

Please be aware of the condition's ongoing requirement that '*In the event of serious flooding events the approved scheme shall be fully implemented.*'

Condition 13 (soft landscaping)

You have submitted the soft landscaping strategy ref (100)50 rev A to discharge condition 13.

A *fagus sylvatica* (European beech) is proposed immediately adjacent to a neighbouring building. Due to the proximity, it will cause issues and should be swapped with the *prunus serrulate* proposed elsewhere within the site.

As it stands, the submitted details are not acceptable and condition 13 cannot be discharged.

Condition 14 (construction environmental management plan)

The submitted Construction Environmental Management Plan (CEMP) provides general recommendations for safe working practices with regard to the biodiversity on the site, but it is not considered to meet all of the requirements of condition 14. The following amendments/clarifications are required:

- A bat mitigation strategy was produced for the original application which set out the requirement for specific timing of works in relation to replacement windows to prevent impacts to roosting bats. These requirements should be clearly referenced and included within the CEMP, including the need for an EPS licence and an ECoW at various stages of the development. In addition, although the CEMP recommends “Night working should be avoided, and any artificial lighting should be directed away from the adjacent river”, this does not give enough security to ensure bat roosts on the site will not be impacted by on-site lighting during the construction stage.
- The CEMP includes a requirement of protective fencing along the River Colne but does not include reference to the size or extent of the “biodiversity protection zone” to be implemented. Further clarification is required.
- A number of different methods are recommended which could be implemented to treat the Japanese Knotweed on site but no indication of the method to be utilised has been provided or how this would be implemented within the work schedule on the site. Further clarification is required.

Due to the above outstanding issues, condition 14 cannot be discharged.

Condition 15 (landscape and ecological management plan)

You have provided the Landscape and Ecological Management Plan, ref 13809f/FS, and soft landscaping plan, ref (100)50 rev A, to discharge condition 15. These documents fail to adequately respond to one another, and numerous amendments are required to address officers' concerns. For further

detail on the identified issues please see the (separate) consultation responses from K.C. Ecology and K.C. Landscape, each dated 30/06/2020.

For the avoidance of doubt, condition 15 is not discharged.

Condition 17 (bat roosting feature)

You have provided a Landscape and Ecological Management Plan, ref 13809f/FS (section 6.2 and appendixes 3 and 4 are relevant to this condition), to discharge condition 17.

The proposed bat boxes are acceptable. However, the condition requires '*details of the bat roosting feature outlined in paragraph 4.1.7 of the Bat Mitigation Strategy*'. This included the provision of a bat loft / roof void, which is not reference or detailed within the submitted document. In the absence of this information condition 17 cannot be discharged.

If you are no longer proposing the bat loft / roof void a S73 (Variation of Condition) application will be required. Officers make no comment on the likely outcome of such an application.

Condition 18 (electric vehicle charging)

The plan ref (100)50 rev A shows the location of 11 Electric Vehicle Charging Points (EVCP). The provision of 11 EVCP and their given locations are accepted.

However, no details are provided on the specification of the proposed EVCP units. This is required to discharge the condition. The following are the current required standards for EVCP units:

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) supply is, however, more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Condition 19 (public open space)

Based on the approved provision of 41 apartments, to comply with Policy LP63 and condition 19 the following Public Open Space contributions are required:

- a total provision of 3,749.22sqm of on-site Public Open Space,
- in lieu an off-site contribution of £70,908.69 (including admin fee) or,
- an appropriate mixture of the above on-site and off-site contributions

Plan ref (100)50 rev A shows two areas, of 75sqm and 110sqm, as 'Natural / Unnatural' (presumed to mean semi-natural) public open space. The areas shown are accepted in principle, and would reduce the required off-site contribution to £69,101. However, the submitted details fail to address the following additional criteria of condition 19:

- b) the timescale for the implementation and completion of the works to provide the public open space;*
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.*
- d) maintenance of the public open space in perpetuity.*

Further to these outstanding issues, the provision of the on-site Public Open Space, with management and maintenance agreements, and the off-site contribution of £69,101, must be secured via a S106 agreement. No draft agreement, or commitment to drafting an agreement, has been provided as part of this Discharge of Condition application.

In the absence of a completed S106, or other adequate details, condition 19 cannot be discharged.

Condition 20 (travel plan)

You have submitted a Travel Plan, ref 1389 by Paragon Highways, to discharge condition 20.

I can confirm that the submitted details are acceptable for the purpose of condition 20. However, be aware that condition 20 has the following ongoing requirement to be adhered to:

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Condition 21 (crime prevention)

You have submitted the following documents to discharge condition 21:

- 2466_ACU(100)51 Proposed External Lighting
- Cycle Store Con 21 2466_ACU(100)52 Proposed Mail Boxes & Secured Entrance Doors

The use of bollard lighting is not supported. Bollard lighting provides inadequate illumination for crime mitigation purposes and, as they push light upwards, conflict with ecological considerations. Please also see the advice and commentary from the Council's Designing Out Crime officer, dated 30/06/2021.

For the avoidance of doubt, condition 21 is not discharged.