

**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: 2021/44/92590/E

Site Address: Land Off, Field Head Lane, Birstall, Batley

Description: Discharge of conditions 2 (internal adoptable estate road), 3 (contruction management plan), 4 (materials) and 6 (ventilation scheme) of previous reserved matters approval ref: 2019/92710 for erection of 32 dwellings

Recommending Officer: Nick Hirst

DECISION – Discharge of Conditions – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 28-Jul-2021

Application: 2021/44/92590/E

Site: Land Off, Field Head Lane, Birstall, Batley

Proposal: Discharge of conditions 2 (internal adoptable estate road), 3 (construction management plan), 4 (materials) and 6 (ventilation scheme) of previous reserved matters approval ref: 2019/92710 for erection of 32 dwellings

Assessment

Condition 2 (internal adoptable estate road)

2. Prior to development commencing, a scheme detailing the proposed internal adoptable estate roads shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surfacing, and the treatment of sight lines, together with a safety audit covering all aspects of the work. The agreed scheme shall be implemented in accordance with an agreed timetable, and thereafter retained for the lifetime of the development.

Reason: *In the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan.*

The above condition was requested by K.C. Highways Development Management and Highways Structures. These groups have objected to the proposal. Discussions are ongoing as part of the Section 38 process, and the matter is not currently resolved. As such the information is considered inadequate and condition 2 cannot be discharged at this time.

Condition 3 (construction management plan)

3. Prior to development commencing, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- *parking of vehicle of site operatives and visitors*
- *routes for construction traffic*
- *hours of operation*
- *method of prevention of mud being carried onto highway*
- *pedestrian and cyclist protection*
- *any proposed temporary traffic restrictions; arrangements for turning vehicles.*

Thereafter the approved development shall be undertaken in accordance with the approved construction management plan or construction method statement.

Reason: *In the interests of the free and safe use of the highway, to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition, given the need to ensure appropriate management of the highway.*

This condition was requested by K.C. Highways, who have reviewed the submitted information and confirmed it to be acceptable. Therefore, they have no objection to the discharge of condition 3.

Condition 4 (materials)

4. Prior to their use, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: *In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

An external materials schedule has been submitted to discharge condition 4.

The proposed primary facing brick is 'Forterra Chidwell Multi'. This was discussed with K.C. Conservation and Design, who suggested an alternative Forterra product as a preferable (in the local context) alternative. This was discussed with the applicant, who confirmed the alternative brick has at least a six month lead-in time. While officers note K.C. Conservation and Design's preference for the alternative brick, officers do not consider the proposed brick to be significantly visually detrimental, or unsuitable for the area. Accordingly, to delay the development for circa 6 months for the alternate brick to be available would be unreasonable. Therefore, given the inaccessibility of the alternative, officers consider the proposed Forterra Chidwell Multi brick to be acceptable.

Alongside the above brick is to be a 'St Annes Red Smooth' brick, used on (approved detailed) feature brick sections. Roofing is to be grey concrete tiles. Officers and K.C. Conservation and Design hold no objections to the other materials. Thus the details submitted pursuant to condition 4 may be approved.

Condition 6 (ventilation scheme)

6. Notwithstanding the submitted details, prior to the installation of any windows, a ventilation scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The ventilation scheme shall demonstrate how habitable rooms of the all plots shall be provided with enough ventilation to help control thermal comfort and avoid overheating, without the need to open windows. All works which form part of the approved scheme shall be installed prior to its occupation of the respective plot and shall thereafter be retained.

Reason. *Because windows need to be kept closed to prevent excessive noise levels and in the interest of residential amenity, through mitigating harmful noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.*

This condition was requested by K.C. Environmental Health, who have reviewed the submitted information. They are unable to support the submitted detail, as inadequate information has been provided. They require the ventilation scheme to provide the following information:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system;
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded; and
- The ventilation scheme must demonstrate how habitable rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating 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.

Accordingly, condition 6 cannot be discharged at this time.

Summary

Conditions 2 and 6 cannot be discharged at this time, as the submitted details are not acceptable.

The details submitted for conditions 3 and 4 are considered acceptable, and it is recommended that these details be approved. Conditions 3 and 4 will be discharged upon completion of the development in accordance with the approved details.

Recommendation: Split decision

Report Dated: 28/07/2021

Proposed Letter Text

Condition 2 (internal adoptable estate road)

You have submitted the following plans pursuant to condition 2:

- DR-C-0130 rev. P1
- DR-C-0131 rev. P1
- DR-C-0132 rev. P1

- DR-C-0133 rev. P1
- DR-C-0134 rev. P1
- DR-C-0135 rev. P1
- DR-C-0136 rev. P1
- DR-C-0137 rev. P1
- DR-C-0138 rev. P2
- DR-C-0140 rev. P1

The Council's Section 38 department advises that the submission is not ready for Section 38 Technical Approval for the adoption of all the roads on this site. As such condition 2 cannot be discharged at this time.

Condition 3 (construction management plan)

You have submitted a Construction Phase Plan (Torpoint Ltd, undated) pursuant to condition 3.

I can confirm that the submitted details are acceptable. However, be aware that condition 3 has the following ongoing requirement: *'Thereafter the approved development shall be undertaken in accordance with the approved construction management plan or construction method statement'*.

Condition 4 (materials)

You have submitted the materials schedule (rev. A) dated 23/06/2021 to discharge condition 4.

I can confirm that the submitted details are acceptable for the purpose of condition 4. Be aware that condition 4 has the following ongoing requirement: *'The development shall be completed using the approved materials, prior to the hereby approved building being brought into use'*.

Condition 6 (ventilation scheme)

You have submitted a Noise Survey for Residential Development (version 4, Nova Acoustics, 13/05/2021) pursuant to condition 6.

The submitted information is considered inadequate to discharge condition 6. For your information the ventilation scheme should:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system;
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded; and
- The ventilation scheme must demonstrate how habitable rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating 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.

For the avoidance of doubt, condition 6 cannot be discharged at this time.