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:	**2021/62/94455/W**
Site Address:	Armitage Arms, Bay Hall Common Road, Birkby, Huddersfield, HD1 5EP
Description:	Alterations and extensions to former public house to form 2 no. single-bedroom flats and 2 no. 2-bedroom flats (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 15th June 2023

Officer Report 2021/94455
Armitage Arms, Bay Hall Common Road, Birkby

Site Description

The Armitage Arms is a former public house situated on the corner of Common Road (to the south-east) and Bay Hall Common Road (to the north-east). The main building, which has its front elevation facing the Bay Hall Common Road frontage with no setback, is three-storey, built in coursed stone, and it has a flat-roofed single-storey extension to the rear. The Common Road boundary is formed by a mortared stone wall of just over 2m in height. There are some other lightweight outbuildings within the rear yard.

The surrounding area contains a mix of industrial, commercial and residential uses. Facing the site on the Bay Hall Common Road frontage is a four-storey mill building. Further up Bay Hall Common Road are small semi-detached houses which give way to terraced houses further to the north-west. The neighbouring building to the south-west, a printworks, is low rise and in brick with a tiled roof, whilst on the opposite side of Common Road is a three-storey former industrial building that now contains a tuition centre and flats.

Description of Proposal

The proposal is for alterations and extensions to the building to form 4 no. residential flats, and associated works.

The old flat-roofed extension would be demolished and, in its place, a new single-storey extension of 6.4m, extending across the full width of the building, would be constructed.

The flats would be located two at ground floor, one at first floor and one at second floor. The ground floor flats would be single-bedroom – one would contain a study, the other a separate living room, in addition to the kitchen-dining room. Those on the upper floors would have two bedrooms.

The outbuildings and other structures within the rear yard would be demolished so as to leave 5.2m of space between the new rear wall and the western site boundary.

As originally submitted, the proposed development would have incorporated a large retail unit at ground floor, with 3 x 2-bedroom apartments.

History of negotiations / amendments

A supporting highways statement was submitted on 06-Jul-2022. This was not subjected to new publicity since officers were at that stage not minded to support the application.

Amended plans were submitted 27-Dec-2022. These represented an overall reduction in scale – the extension would be single-storey instead of two-storey – and now showed residential use rather than mixed residential and retail, a 2m gateway formed in the boundary wall, and a bin store behind the wall. It was considered that taking a proportionate approach it would not be appropriate to re-advertise in the press or post a new site notice. But since they also changed the nature and description of development (to residential only) and in view of the number of objections made, the case officer decided that it would be advisable to undertake new publicity (21 days, ending 28-Feb-2023).

31-Mar-2023: Further amendments to internal and external layout.

18-May-2023: Further amendments to internal and external layout including 2 no. parking spaces and cycle store shown on plans.

12-Jun-2023: Further amendments to external layout. Now to be one parking space only.

Relevant Planning History

None

Representations
Final publicity date expires: 28-Feb-2023. Initial publicity was by site notice and press advertisement in addition to neighbour notification letters since the site is within a Conservation Area.

8 no. letters of representation were received as a result of the initial publicity, all objections.

No representations were made as a result of the latest round of publicity.

Summary of concerns raised:

- There are already problems with onstreet parking and congestion as a result of all the businesses and flats in the local area.

- Negative impact on Conservation Area

- We have experienced more noise disturbance from the apartments in the former Bay Hall Works than we did from the pub.

- There are ongoing problems with fly-tipping and rubbish, some of which is associated with the new flats.

- We don't need any more shops and apartment in this area as there are already enough.

- The site could be better used for public open space

Consultation Responses

KC Conservation & Design – No objections.

KC Highways – Cannot support without further justification.

KC Environmental Health – No objection subject to conditions.
KC Designing Out Crime Officer – No objection subject to condition.

Policy

The site is within the Birkby Conservation Area on the Local Plan Proposals Map. It is approximately 24m from the boundary with Birkby Local Centre. No Listed Buildings would be affected by the proposal.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 48** – Community facilities
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in G:\Planning\SPDs & Guidance Notes.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first

launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Planning for climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: The site is in the Birkby Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. This principle is also supported by section 16 of the NPPF and Policy LP35 of the Local Plan, which advise that any harm to heritage assets must not be allowed without a proportionate justification.

Under Policy LP48, proposals that involve the loss of "valued community facilities" such as shops and public houses will only be permitted if it can be demonstrated that:

a. There is no longer a need for the facility and alternative community uses have been considered, or;
b. The current use is no longer viable, or;
c. There is adequate alternative provision nearby;
d. An alternative facility will be provided.

The building is not listed on the Community Asset Register. The agent has provided the following arguments in favour of allowing conversion to another use:

- The former Armitage Arms has been running at break even or below for several years.

- This was exacerbated by the lengthy closure during the pandemic.

- The pub lies within the centre of Birkby wherein the consumption of alcohol is strictly prohibited on religious grounds for the majority of nearby residents.

- During the applicant's ownership the building has been advertised to let within the community and a tenant has raised an interest to form a food retail outlet with cafe facility subject to an agreement to extend the ground floor sales area.

There are three establishments serving alcohol within 500m of the site – The Spink's Nest on Blacker Road, The Lamb Inn on Halifax Old Road, and the Magic Rock Tap, St John's Road. It is also noted that none of the letters of representation raise any objection specifically to the loss of the existing pub. The case officer therefore concludes that the permanent loss of the Armitage Arms as a pub would not be a significant loss to the local community, and the applicant should not be required to provide any further supporting information (e.g. on marketing), or to consider alternative community uses.

The principle of the change of use is therefore judged to be acceptable, subject to a full assessment of heritage, amenity, environmental and highway issues, to be examined in detail below with reference to the Local Plan policies and NPPF guidance listed above.

2 –Impact on visual amenity: Birkby Conservation Area does not benefit from an appraisal at the present time. Whilst Birkby is a mainly residential area, the surroundings of the site clearly display the industrial heritage of the area with the Bay Hall Dye Works (a 19th Century building, but much altered) situated adjacent to the site, to the north-east and south-east respectively, and the more recent Barden Print building to the south-west. Bay Hall Mills, and other buildings on the north-eastern side of Bay Hall Common Road, are outside the Conservation Area. The area is intensively built up, with many buildings constructed on the highway boundary with no intervening space, but most residential properties, including those higher up Bay Hall Common Road and on St Johns Road, have small front yards and extensive back gardens.

The Armitage Arms is a prominent corner building with the front and rear elevations being clearly visible in the street scene. Its built form, proportions and design details, including fenestration, are typical of the period (late 19th Century). When looking up Common Road the rear of the Armitage arms is clearly visible. The area to the rear of the building has seen changes, including a flat single storey addition to the main building, however the overall character has been retained.

The proposals as originally submitted would have amounted to a contrived addition including a small element of pitch and a much larger area of flat roofing, and would have dominated the original building. As now proposed, the scheme would conserve the main or original part of the existing building. The demolition of the existing flat-roofed rear extensions and other structures and their replacement with a single flat-roofed structure with a constant width

and design across the rear elevation would, it is considered, be a modest enhancement to the building's character.

The boundary wall is a feature that contributes positively to the character of the area. Whilst it would have been preferable to secure the retention of the boundary wall in whole or in part, it is accepted that to facilitate residents' parking plus a suitable pedestrian accessway and bin collection point would mean the demolition of most, if not all of it. The harm resulting from the loss of this historic feature is considered very minor and clearly outweighed by the benefits of keeping the building in an income-generating use.

In conclusion, the development would fulfil the objectives of Policy LP24a and 35 in that it would conserve and enhance the character of the Conservation Area, and would therefore comply with the Council's duty under the Planning (Listed Buildings and Conservation Areas) Act 1990.

So as to ensure that the stone used in exterior work harmonises with the existing building and its wider surroundings, it is recommended that a condition be imposed that the construction of the more prominent highway side wall shall be undertaken using stone recovered from the existing building or the boundary wall and that for any new stone required, a sample shall be inspected on site and approved in writing by the Local Planning Authority before work commences on the superstructure.

3 – Impact on residential amenity:

Privacy, light and space about buildings:
Since this is an application for conversion (with extension) of an existing building, the recommended standards for space about buildings as set out in Principle 6 of the Housebuilders' Design Guide cannot be applied rigidly, although they may have some value as guidelines.

The Council also recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24(b).

It is generally not considered essential for flats (as opposed to houses) to have gardens or a sitting-out area, although this may improve the quality of life for future inhabitants.

The first and second-floor flats would each have a gross internal floor space of 61sqm which just meets the recommended minimum for a single-storey 2-bedroom dwelling, and it is considered that outlook from all windows would be satisfactory as the principal windows would face out across Bay Hall Common Road.

The ground floor flats would have a floorspace substantially in excess of the minimum required for a single-bedroom dwelling. Outlook from the bedroom and living room in the right-hand flat (designated “Flat 1”) would be somewhat limited because their windows would face the high brick wall of the neighbouring industrial premises at a distance of only 5.3m. By comparison, the separation distance that would exist if the property were converted solely within its existing footprint (with the existing rear single-storey structure retained or rebuilt) would be 7.7m. Both situations would be sub-optimal. It is noted however that since the rear windows would face south-west, they would be well-placed to receive natural light and direct sunlight, and that the level of light received would be improved by the addition of a skylight to the bedroom.

The placement of the study at the rear would also ensure that Flat 2’s primary living accommodation does not look out over rear yard. The two principal habitable rooms in Flat 2 (the bedroom and living room) would look out over the street, as would the dining room window in Flat 1. Whilst this is possibly not ideal from the point of view of the privacy of future occupants, these windows would at least have a relatively unobstructed outlook.

The case officer proposed to the architect during the application process that it might be possible to convert the building with a lesser ground floor extension (coming out to the same extent as the existing single-storey structure or only slightly beyond it) but the applicant rejected this alternative claiming that, owing to the high cost of the conversion and renewal works (which has escalated owing to vandalism whilst it has been empty), a scheme delivering that amount of floorspace would not be financially viable. No financial appraisal has been submitted so, at most, very limited weight can be placed on this factor. As previously stated, however, even a conversion without extending beyond the existing building footprint would inevitably result in rear ground floor rooms with a limited outlook, and it is considered that this outcome would not be significantly better. Whilst the occupants of Flat 1 would have a limited outlook from the two rear-facing habitable rooms, this would be counterbalanced, to a degree, by the spaciousness of the ground floor flats, and the orientation, which would allow the receipt of direct sunlight at most times of the year. It is considered that taking into account the desirability of rehabilitating and bringing back into productive use a vacant building that contributes positively to the Conservation Area, the proposed scheme is acceptable.

It is considered that no existing residential properties would be negatively affected by reason of light, outlook or other factors.

Noise:
The site is located within a mixed industrial, commercial and residential area. On the occasions the case officer visited the site, there were no indications that industrial and commercial processes were being carried on in the vicinity of the site generating noise of a level to cause residential nuisance. It is considered however that a precautionary approach should be taken, and that following Environmental Health advice, a report specifying what measures are

required to protect the apartments from noise from commercial premises. This would comply with the aims of LP24(b) and LP52.

4 – Impact on highway safety: Policy LP21 states that proposals must be safely accessible by all users and should ensure the safe and efficient flow of traffic. Under Policy LP22, car parking provision in new developments is to be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development.

On-street parking is a common occurrence in the network of streets surrounding the site owing to a high density of development including both residential and business uses which in most cases lack dedicated off-street parking. There are no parking restrictions in place.

Under the Highways Design Guide (Key Design Driver 20), it is recommended that as a starting point, 1-2 bedroom apartments should be provided with one space each, and that there should be one visitor space for every 4 dwellings. Such a standard should not be applied universally; the appropriate level of provision will need to be assessed in each case based on the circumstances of the site. If these standards were applied to the present situation without modification, it would amount to 4 residents' spaces and one for visitors.

The site is however highly accessible. It is almost directly adjacent to Birkby Local Centre, which provides a range of services, and is approximately 200m from a bus stop with a frequent service to Huddersfield Town Centre, which is itself only 830m walk from the building. Furthermore, two of the four apartments are very small, offering only the minimum floorspace for a single-bedroom dwelling. To require parking to be provided at Highways Design Guide standards would therefore not be reasonable. The latest version of the drawings contains one off-street parking space. If, as a working assumption, two of the four flats were to be occupied by residents with a car, this would mean that there would be one vehicle parking on the highway long-term. If, when the building was in use as a public house, staff walked to work, customers only rarely arrived at the premises by car, and that there was no residential use associated with the building, the development proposed would then lead to a net increase of one car parked on the public highway, as against the old use. It is expected that this would be met either on Common Road or Bay Hall Common Road, which would have the effect of either reducing the width of the footway or narrowing the road to less than the width of two vehicles. It is generally not considered good planning practice to allow a development that is likely to affect the convenient use of the highway by obstructing in such a way as two moving vehicles cannot pass simultaneously, or reduce the width of the footway to below standard width. Taking into account however the scale of the development, the observed low pedestrian flows and levels of traffic on this part of the highway network, it is considered on balance that it would be difficult to substantiate a refusal on the grounds that increased on-street parking arising from the development would

have a significantly adverse impact upon the safety or convenience of highway users.

The Highways Design Guide recommends that visitor parking should normally be provided at the rate of one space per 4 units. As no such provision is made, visitors to the property would also have to park on the highway. But it is probable that the old use would have given rise to at least occasional parking on the highway either by customers or staff, as well as deliveries, which would also have potentially inconvenienced highway users, if only for brief periods. It is therefore considered that failure to provide off-street parking for visitors would not amount to a justifiable reason to refuse the application.

The parking arrangements do not allow for internal turning, but since it would involve taking access to a non-classified road, this is not considered necessary.

It is therefore considered that the proposals would not give rise to any materially severe increase in safety hazards or inconvenience to other road users over and above those arising from the historic use and that approval can be granted, subject to the parking spaces and access being formed (including the appropriate footway crossing) before first occupation and thereafter retained.

The plans show a bin storage area of approximately 1m by 2m. Communal provision is calculated at the rate of 180 litres per apartment for each type of waste. This could be achieved by the placement of two 1100 litre bins on the site. It is therefore considered that the area is adequate for its intended purpose. The arrangements show a rectangular area labelled “alternative bin store”. It is considered that this would serve as a collection point. This should be conditioned, for the avoidance of doubt, so as to minimise obstruction to the public footway on collection days.

In the far corner of the site, a “covered bike store” is indicated. It is unclear what this will consist of (e.g. a lockable shed, or an open cycle rack with a polycarbonate roof). Whilst the proposal to provide cycle storage is welcomed in the interests of the security of future residents, promoting active leisure, and encouraging the use of low-impact means of transport, further details will be required for the avoidance of doubt. This can be the subject of a condition requiring further information.

It is therefore considered that the proposed development (subject to the above conditions) would have no detrimental impact upon the safe and convenient use of the highway and would accord with the aims of LP20, LP21 and 22.

6 – Other matters:

Climate change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The applicant in this case has not submitted any supplementary statement to say how the proposal would assist in these objectives.

Since the development is for the reuse of a building in a sustainable location and with only a small amount of new build, it is considered that it would be compatible with the carbon reduction aims outlined above and it would comply with the aims of LP24(d) and Chapter 14 of the NPPF.

Biodiversity
The property lies within the bat alert layer. The Council Ecologist was informally consulted at an early stage in the application but took the view that given the condition and location of the building the level of bat roost potential was not sufficient to warrant a bat survey. The new development is single-storey and would therefore not support an artificial bat roost or bird nesting feature. Given the scale of the proposal and that it is located a considerable distance from any extensive semi-natural habitat, it is considered that the scope for enhancing the biodiversity of the site is very limited and that it would not be proportionate to impose conditions to that end, notwithstanding the aims of Policy LP30 of the Local Plan.

Contaminated and unstable land
Environmental Health have noted that some of the land within the application site is recorded as potentially contaminated owing to its former industrial use. The main area of contamination is however co-existent with the adjacent Bay Hall Works site and it is therefore considered that the probability of contamination being present, and risk to any future occupants, is low. It is considered that in the circumstances it will be sufficient to add the standard precautionary condition on unexpected contamination, in accordance with Policy LP53 of the Local Plan and Chapter 15 of the NPPF.

Crime and security
Apartment developments where there are many flats served by a single entrance may be vulnerable to crime, including sneak-in burglary. In this instance it is noted that only the two upper-floor flats are served by a single entrance and that the two ground floor flats each have an independent entrance. The ground floor flats may however experience higher than average vulnerability to crime given that they are not overlooked by dwellings at the rear so that there would be little opportunity for passive surveillance. The Designing Out Crime Officer has been consulted made several recommendations on design features that should be incorporated into the scheme or for which further information might be sought. These are, in brief:

- Control of access to communal door
- Secure mail delivery

- External windows and doors
- Anti-climb measures
- Internal flat entrance doors
- Is there to be CCTV?
- Are there any boundary treatments or gates?
- Internal partition wall construction
- Cycle storage

It is considered that not all of these measures need to be conditioned since some would be incorporated into an apartment development as standard anyway (for example, the intercom for access) or are outside the scope of the planning system (in the case of internal entrance doors and partitions). As the applicant's intention is that the rear of the site would not be gated, and given the security concerns in this location, it is however considered reasonable to incorporate secure, lockable cycle storage, and the use of CCTV, both of which the applicant has agreed to in principle. To ensure that the measures installed are appropriate and effective, it is considered advisable to impose a condition that details are submitted for approval before first occupation. Providing secure cycle storage facilities would also support the aims of promoting active leisure and therefore health, and promoting the use of low-impact means of transport, as set out in LP20.

Anti-climb measures (to make it harder for intruders to get on to the flat roof with the aim of committing burglary against the upper floor flats) could in theory include spike-topped fencing or anti-climb paint, but both of these would negatively affect the appearance of the building, and previous instances of burglary and vandalism that have occurred may be attributed to the property being unoccupied. It is therefore considered on balance that to require anti-climb measures would not be proportionate in this case.

Subject to the above conditions the development would accord with the aims of LP24(e) and Chapter 8 of the NPPF.

7 – Representations: Some of the areas of concern raised have been examined in the main part of the report but are highlighted here with other issues raised and officer responses.

- There are already problems with onstreet parking and congestion as a result of all the businesses and flats in the local area.
  Response: This has been noted. But any new use, or even a resumption of the old use, would result in vehicular movements and would give rise to parking demand. It is considered, for the reasons set out in section (4) of the Assessment, that the parking demand arising from the proposed flats can be catered for without a material impact upon highway safety.

- Negative impact on Conservation Area.
  Response: The earliest version of the plans showed a much larger extension which has now been reduced and re-designed. Impact on

visual amenity and the Conservation Area have been assessed in detail in section (2) of this report and are judged acceptable.

- We have experienced more noise disturbance from the apartments in the former Bay Hall Works than we did from the pub.
  Response: It would not be possible to substantiate this as a reason for refusal. In the unlikely event of any excessive noise or anti-social behaviour being caused by future residents, it can be addressed and curbed under other legislation.

- There are ongoing problems with fly-tipping and rubbish, some of which is associated with the new flats.
  Response: The proposed flats have a designated bin storage and collection point, both of which are deemed adequate. There is no reason to believe that the development is likely to result in fly-tipping.

- We don't need any more shops and apartment in this area as there are already enough.
  Response: The proposed development no longer includes a shop. Perceived lack of need for housing, or particular classes of housing, in the local area, would not form a justifiable or policy-based reason for refusal.

- The site could be better used for public open space
  Response: The existence of a hypothetical alternative use would not form a valid reason for refusing an application.

7 – Conclusion: The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: **2021/94455**

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, the preserve the significance of the Birkby Conservation Area, in the interests of highway safety and to accord with Policies LP21, LP24, LP35 of Kirklees Local Plan and Policies within the National Planning Policy Framework.

3. The construction of the exterior of the south-eastern wall of the proposed development shall be undertaken using stone recovered from the existing building or the site boundary wall. A sample of any new stone required for the development shall be left on site for the inspection of an approval in writing by the Local Planning Authority before work commences on the superstructure of the extension, and the development shall be undertaken using the approved material.
Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character and appearance of the Birkby Conservation Area and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local
Planning Authority has confirmed in writing that remediation measures are not required.
The Remediation Strategy shall include a timetable for the implementation and completion
of the approved remediation measures. Thereafter remediation of the site shall be carried

out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a
Validation Report shall be submitted to the Local Planning Authority. Unless otherwise
approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved
Remediation Strategy and a Validation Report in respect of those works has been
approved in writing by the Local Planning Authority.
Reason: To ensure that pollutants are not released into the environment and to ensure that the health of future residents is not adversely affected by contamination, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Before development work (other than demolition) commences a report specifying the measures to be taken to protect the development from noise from nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority.
The report shall:-
a) Determine the existing noise climate
b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other
habitable rooms of the development
c) Detail the proposed attenuation/design necessary to protect the amenity of the
occupants of the new residences (including ventilation if required).
No dwelling shall be occupied until all works specified in the approved report applying to that dwelling have been carried out in full, and such works shall be thereafter retained.
Reason: To ensure that future occupants do not suffer loss of amenity by reason of noise disturbance and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan. This information is required before development commences so as to ensure that suitable noise-attenuation measures, where appropriate, can be incorporated into the scheme.

6. Prior to either of the ground-floor flats being occupied or brought into use, the new access to the public highway shown on the approved plan 2121/02 Revision H shall be formed, and the areas to be used for the parking and manoeuvring of vehicles as indicated on the plan 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 13th May 2009 (ISBN 9781409804864) as amended or superseded. These shall thereafter be retained and kept clear of all obstructions to their use for the parking and turning of vehicles.
Reason: To ensure that adequate vehicle parking with a suitable layout is incorporated into the development in the interests of highway safety, to

mitigate flood risk and to accord with the aims of Policies LP21-22 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

7. The areas to be used for the storage and collection of wastes as shown on the approved plan 2121/02 Revision H shall be provided and laid out with a hardened and drained surface before any part of the development is first occupied or brought into use. Notwithstanding the details on the approved plan, the area annotated as “Alternative bin store” shall be used solely for the presentation of wastes on collection days and at other times shall be kept free of obstructions to pedestrian access. These shall thereafter be retained as such and kept free of all obstructions to their use for the storage and collection of wastes.
Reason: To ensure that future residents have suitable facilities for the separation, storage and collection of wastes, in the interests of highway safety, and to accord with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan.

8. Before any part of the development is occupied or brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of secure, lockable cycle storage to be provided within the site. The facilities so approved shall be provided and made available for use before any part of the development is occupied and shall thereafter be retained, available for use by the occupants.
Reason: To ensure that residents have adequate protection against cycle theft, to promote active leisure and the use of low-impact means of transport, and to accord with the aims of Policies LP20 and LP24(e) of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

9. Before any part of the development is occupied or brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of a scheme of closed-circuit television (CCTV) to be installed within the site, in particular to survey the rear (south-western) elevation of the premises and associated land. The CCTV scheme so approved shall be provided and made operational before any part of the development is occupied and shall thereafter be retained, available for use by the occupants.
Reason: To ensure that future residents have adequate protection against crime and fear of crime and to accord with the aims of Policy LP21(g) and LP24(e) of the of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

NOTE All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noiseconsultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk
(0300 999 9675) for a list of members.

NOTE Please note that notwithstanding the granting of planning permission, the consent of the Council acting as highway authority will be required to form the necessary footway crossing.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			29-Nov-2021
Location plan			14-Dec-2021
Plans and elevations as existing	2121/01	A	18-Jan-2022
Plans and elevations as proposed	2121/02	H	12-Jun-2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure amended plans reducing the overall scale of the development and providing parking, refuse and cycle storage areas. Formal agreement was also obtained for the inclusion of a pre-commencement condition.

Report dated:

14-Jun-2023