

**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:	2021/44/94511/E
Site Address:	22, Station Road, Batley, WF17 5SU
Description:	Discharge conditions 3, 4, 5 and 11 on previous permission 2019/93755 for internal and external alterations to convert dis-used warehouse to 8 apartments (Listed Building within a Conservation Area)
Recommending Officer:	Callum Harrison

DECISION – DISCHARGE OF CONDITIONS APPROVED

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

Emma Thompson

AUTHORISED OFFICER

Date: 28-Jun-2022

Officer Report

Application: 2021/94511 - 22, Station Road, Batley, WF17 5SU

Proposal: Discharge conditions 3, 4, 5 and 11 on previous permission 2019/93755 for internal and external alterations to convert dis-used warehouse to 8 apartments (Listed Building within a Conservation Area)

Assessment

Condition 3 – Bicycle Storage

Condition 3 reads as follows:

‘3. Prior to first occupation of any apartment cycle storage facilities shall be provided in accordance with details that have been previously approved in writing by the Local Planning Authority, and the approved facilities shall thereafter be retained. Reason: To comply with the Council’s sustainability objectives and to accord with Policy LP20 of the Kirklees Local Plan.’

The agent has submitted:

Cycle Plan ref 21057-300 rev A (amended scheme received on 06th June 2022).

There has been some doubt cast over the original wording of this condition as no cycle storage facilities have previously been agreed. Nonetheless the agent has now provided cycle storage details seeking support from the LPA. KC Highways Development Management were consulted as part of the application. The submitted plans propose a covered cycle store with 2no loops. The plan also highlights the 4 indoor bicycle storage rooms too.

The originally proposed cycling storage was just the two loops with no coverage. This was not deemed sufficient as it would not generate enough use due to the lack of cover. However, the amended scheme overcomes these issues by providing cover, thus improving desire to use the facility. Furthermore, the courtyard is gated off from the adopted highway and is overlooked by apartment 3 and the access to apartment 4 and the upper floor apartments, which offers an appropriate level of security. For these reasons, the cycle storage details can be considered acceptable with regard to condition 3, however the cycle storage facilities shall be provided in accordance with these details prior to the occupation of any apartment and be retained thereafter.

Condition 4 – Construction Management Plan

Condition 4 reads as follows:

‘4. Prior to constructing commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access

for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers and deliveries parking facilities and the details of any traffic management required to allow deliveries. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction. Reason: In the interests of highway safety and to accord with policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate provision is made for construction traffic.'

The agent has submitted:
21057-301 Construction Management Plan

Drawing No 21057-301 was submitted as details for the construction access management plan. This provides details of routing and delivery times, delivery and contractor parking, site storage and welfare facilities. KC Highways Development Management were consulted as part of the application. The LPA note that the parking and delivery areas are on public parking areas and may not always be available as they could be occupied by competing users, including commuters from the nearby railway station. Notwithstanding this, the plan clearly shows adequate area for the vehicular traffic associated with the construction, thus the Authority consider the details submitted are sufficient to discharge the pre-commencement element of condition 4. However, all construction arrangements shall still be carried out in accordance with the approved schedule throughout the period of construction.

Condition 5 - Preliminary Risk Assessment

Condition 5 reads as follows:

'5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase 1 Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate investigations are undertaken prior to works commencing.'

The agent has submitted:
Phase 1 Desk Study & Geo-Environmental Appraisal by Mugen Geo Ltd – job No MGEO 2110 WF17 5SU, dated October 2021

KC Environmental Health have been consulted as a part of this application.

The Phase 1 report includes information gathered during a walk up undertaken on 25th October and historical information. It draws the walk up information and historical data together in a preliminary conceptual site model. Tables in 4.5 show moderate risk level to end users of the site from possible organic materials from made ground. It goes on to clarify in section 4.6.1

Preliminary Assessment that 'The future site usage as identified in the prepared development is likely to be low risk in the absence of a significant contamination source as identified in table 4.5 above. Hard standing and a shared landscaped area should minimise any potential pathways.' No information has been provided in the Report regarding the suitability of the soils already on site to be used for the shared landscaped area or the suitability of any imported soils to create the landscaped area. The Report goes on to state in section 4.6.1 that the overall risk is assessed as low. KC Environmental Health generally agree with the Report but have concerns that the lack of information in regard to any imported infill material to the landscaped area could lead to a source, pathway, receptor link. Nevertheless, KC Environmental Health state that the information is sufficient to recommend the discharge of Condition 5. The case officer agrees with KC Environmental Health and considers it appropriate to discharge condition 5.

The applicant must note that if any infill material is to be used to the landscaped area, they are expected the applicant to clarify the suitability of fill materials as part of a new application, in support of the remaining contaminated land conditions.

Condition 11 – Ventilation Scheme

Condition 11 reads as follows:

'11. A ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority before works commence. The ventilation scheme shall show how all habitable rooms of apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather with the need to open windows. Thereafter all works which form part of the approved scheme shall be completed prior to first occupation of the apartments and be retained thereafter. Reason: To protect the amenity of future occupants and to accord with policy LP24 of the Kirklees Local Plan. This is a pre-commencement condition for reason that alternative ventilation is an essential part of the scheme as noise mitigation measures are required, and such works may also impact on the listed status of the building.'

The agent has submitted:

A revised Ventilation scheme drawing by PDG Architectural, dated Oct 2021 (drawing No. 21057-302)

KC Environmental Health were consulted during this application. The revised ventilation scheme provides appropriate performance specification for the ventilation system and whether demonstrates that it will be capable of providing sufficient ventilation without the need to open windows on noise affected facades. There is also appropriate information on the acoustic specification for the ventilation system. The schemes demonstrate that the ventilation operation will not cause excessive noise inside any of the flats either. Given the above, condition 11 can be considered discharged for the sake of the pre-commencement condition, however, all works which form part

of the approved scheme shall be completed prior to first occupation of the apartments and be retained thereafter.

Decision Text

Condition 3 – Bicycle Storage

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Condition 5 - Preliminary Risk Assessment

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