

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:	2021/62/94664/W
Site Address:	Former Hoyle Ing Dyeworks, Hoyle Ing, Linthwaite, Huddersfield, HD7 5QS
Description:	Demolition of existing building and development of the former Dyeworks comprising 9 apartments, 4 bungalows and 2 maisonettes (within a Conservation Area)
Recommending Officer:	Ellie Worth

DECISION – S106 Full Permission – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 16th August 2022

Officer report

Site description

The application site relates to the former Hoyle Ing Dyeworks in Linthwaite. It has been partially cleared, but still contains two stone buildings. A mill chimney stands immediately outside the application site. The site is set on a relatively steep hillside, with the topography sloping downhill from the Southeast to the Northwest.

Surrounding the site is a mixture of residential and commercial properties, due to its edge of centre location. Furthermore, the site is also situated within the Linthwaite Conservation Area and is adjacent to a row of Grade II listed terraced houses at 719 – 725 Manchester Road.

Description of development

The proposal seeks permission for the demolition of the existing office/warehouse building, the conversion of the site's other building, and the re-development of the site, providing 9 apartments, 4 bungalows and 2 maisonettes.

As outlined above the office/warehouse building which faces Manchester Road would be demolished and replaced with an apartment block. This would be 22m wide by 19m in depth, with an overall height of 12m. The apartment block would provide 9x 2 bed units (plots 1-9).

To the Northeast of the site, a row of four terrace bungalows are also proposed. The building to house such accommodation would be 30m in width by 10m in depth with an overall height of 7.3m – 8m (plots 10-13)

The building for the maisonettes would be retained and converted. This would provide 1x 2 bed unit and 1x 3 bed unit (plots 14-15).

Pedestrian and vehicular access would be taken from the Northwestern boundary onto Manchester Road, the A62.

Within the site 12 parking spaces are proposed, along with internal turning.

The proposed residential accommodation is intended to be affordable specialist support housing.

History of negotiations or amendments sought

Amendments have been sought to modify the design of the bungalows, apartments and maisonettes and to alter the proposed boundary treatment. Additional information in respect of biodiversity and land contamination has also been received. Final amended plans were received on 12th May 2022.

Relevant Planning History

2021/94670 Planning permission for demolition of existing mill building (within a Conservation Area) – Pending consideration

2021/94669 – Planning permission for demolition of chimney (within a Conservation Area) – Pending consideration

2016/90538 Discharge Condition 19 (affordable housing) on previous permission 2015/93424 for demolition of part of mill, alterations to convert mill buildings into 3 dwellings and erection of 10 dwellings with associated parking (within a Conservation Area) – Discharge of conditions approved

2015/93424 Demolition of part of mill, alterations to convert mill buildings into 3 dwellings and erection of 10 dwellings with associated parking (within a Conservation Area) – Conditional Full Permission

2014/91813 – Demolition of part of mill, alterations to convert mill building into 6 dwellings and erection of 11 dwellings with associated parking – Conditional Full Permission

2011/90932 – Conservation Area consent for demolition of part of industrial mill – Conservation Area Consent Granted

2011/90391 – Demolition of part of industrial mill, conversion of mill buildings into ten dwellings and erection of four new dwellings with associated parking – Conditional Full Permission

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 25th February 2022.

As a result of the publicity, two representations have been received. A summary of the points raised are as follows:

- The Colne Valley has a rich industrial heritage and the demolition of this building and in particular the chimney would be sacrilege. Very few chimneys of this type remain although at one time the entire valley was covered in them. The chimney at least should remain, as a monument to the past industrial history of the valley.
- I support the demolition of the chimney which has caused a great deal of concern locally. Whilst it may appear ok on the outside, the inside would rot and at some point may collapse without warning.

Amended plans have been sought to slightly alter the design of the proposed buildings and boundary treatments. However, these have not necessitated readvertisement of the application due to the minimal impact in which they would have on any third party, over and above the scheme in which has been publicised.

Ward Councillor comments

All ward councillors have been notified of the submission of this major application. As a result, comments from Councillor McLoughlin were received and have been summarised below:

"I have spoken with the local community group who are all keen to see the site cleared and developed. The only regret I and other appear to have is that the new development would remove the large old chimney which rises up from the site. It is somewhat iconic and acts as a visual reminder of the Valley's industrial past and I would ask, if it is at all possible, that efforts be made to save it. As for the other buildings, nobody is sorry to see them go, they are dangerous. Having said all that, nobody I spoke to is willing to see the development halted just for the sake of the chimney".

Officer comment: The concern regarding the demolition of the chimney has been noted, however, it remains outside of the red line boundary for this application and therefore will be determined under application ref 2021/94669.

Consultation Responses

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

KC Conservation and Design: No objection given the amendments sought, however conditions regarding materials, windows and the boundary treatment should be attached to the decision notice accordingly.

KC Environmental Health: No objection, subject to conditions regarding the protecting of drinking water supply, land contamination, electrical charging vehicle points, a construction environmental management plan and a noise report being attached to the decision notice.

KC Ecology: No objection subject to conditions regarding biodiversity enhancement being attached to the decision notice.

KC Crime Prevention: The security measures proposed are considered to be acceptable.

KC Trees: In support of the development, however, would like to see additional trees being incorporated into the layout.

KC Highways: In support of the application, subject to conditions and an appropriate S106 payment for funding a TRO along Manchester Road.

KC Strategic Housing: In support of the development proposed, as it will be solely for social/affordable rent in which is suitable for this location.

KC Landscape: Have requested conditions to be attached to the decision notice, along with an off site contribution of £32,354 to go towards public open space.

KC Lead Local Flood Authority: In support of the development subject to conditions regarding drainage, overland flow routing and the construction

phase for surface water flood risk and pollution prevention plan. A S106 will also need to be secured for the maintenance and management of surface water drainage systems.

KC Highways Structures: No objection subject to conditions being attached to the decision notice, in regard to retaining walls and new surface water attention tanks/pipes/manholes.

Yorkshire Water: If planning permission is to be granted, conditions regarding drainage for foul and surface water will need to be secured.

The Environment Agency: In support subject to conditions being attached in relation to contamination, sustainable drainage systems and the piling and investigation of boreholes.

Historic England: We do not wish to offer any comments on this proposal.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is situated within the Linthwaite Conservation Area and is adjacent to a row of Grade II listed terraced houses.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Effective and efficient use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Ecology and geodiversity
- LP33 – Trees
- LP35 – Historic environment
- LP38 – Mineral extraction
- LP47 – Healthy, active and safe lifestyles
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary planning documents (SPDs):

Housebuilders Design Guide (2021)
Highways Design Guide (2019)
Open Space SPD (2021)

Guidance and other documents:

Kirklees Interim Affordable Housing Policy (2020)
Biodiversity Net Gain Technical Advice Note (2021)
Planning Applications Climate Change Guidance (2021)
West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
Waste Management Design Guide for New Developments (2020)
Green Streets Principles for the West Yorkshire Transport Fund
Kirklees Housing Strategy (2018)
Kirklees Interim Affordable Housing Policy (2020)
Kirklees Strategic Housing Market Assessment (2016)
Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
Highway Design Guide (2019)
Linthwaite Conservation Area Character Appraisal (undated)

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.

Relevant chapters include:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment
Chapter 17 – Facilitating the sustainable use of minerals

Other relevant national guidance and documents:

MHCLG: National Design Guide (2021)
DCLG: Technical housing standards – nationally described space standard (2015, updated 2016)

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Design and conservation
3. Impact on residential amenity
4. Impact on highway safety
5. Contributions
6. Other matters
7. Representations
8. Conclusion

1. Principle of development

Sustainable development and climate change

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates those proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The site is unallocated in the Kirklees Local Plan, however, it is a brownfield site, where planning permission has been previously granted to establish a residential use under 2015/93424. This established the principle for the demolition of part of the mill, alterations to convert the mill buildings into 3 dwellings and for the erection of 10 dwellings with associated parking.

In this case, the proposal is to provide 15 residential units, 9 of which would be provided in the form of apartments, 4 as bungalows and 2 as maisonettes.

It is appropriate to consider the Local Planning Authority's overall housing land supply position at the current time. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 20% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. Kirklees therefore continues to operate under a plan-led system.

The proposed 15 residential units represent a windfall, and would make a welcome contribution towards meeting housing need in Kirklees (including in relation to meeting affordable/assisted living needs).

Policies LP7 and LP11 look to ensure that proposals represent the effective and efficient development of land. Policy LP7 of the Kirklees Local Plan further states that the development should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per

hectare should be provided. LP11 requires proposals to include a mixture of house types (detached, terraced etc) and sizes. In this case, it, the development would exceed the above density by providing 15 units (which, in a site of 0.20 hectares, would result in a density of 75 dwellings per hectare), through the provision of apartments, bungalows and maisonettes.

Furthermore, given that the site has been split into two, due to the different levels, an indicative site plan has been provided to show how the upper half of the site could be development in the future. This is to ensure that the proposal would make an efficient and effective use of the site as a whole. Officers have some concerns over the indicative layout, however, for the purpose of this application, it has been demonstrated that a reasonable development could come forward in the future for the rest of the site.

The site is considered to be a sustainable location for residential development, given its proximity to a variety of services and facilities (meaning many everyday needs could be met without the need for significant travel), and its location on a main road served by several bus routes.

The applicant's submission refers to various measures intended to reduce energy consumption once the development is completed. These include the use of triple glazing and air source heat pumps. The reuse of the one of the site's existing buildings would result in the embodied carbon/energy of that building not being lost.

The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.

Heritage

Alongside the above, the site is located within the Linthwaite Conservation Area and is also adjacent to a row of listed buildings. Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states "development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.

Overall, having taken into account the above, the principle of development is considered acceptable, subject to an assessment on all material planning considerations below.

2. Design and conservation

Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 are relevant to the proposed development in relation to design, as is the National Design Guide.

More specifically, NPPF paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 5 of the Housebuilders Design Guide states, amongst other things, states that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality.

- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

In this instance, the site has been subject to a series of commercial housing development proposals, which have resulted in its partially cleared condition. The site and the surviving buildings are now subject to several applications. These include 2021/94670, for the demolition of the existing mill building which fronts Manchester Road. This demolition would cause less than substantial harm to a designated heritage asset (the Linthwaite Conservation Area).

Furthermore, the application for the demolition of the chimney is being assessed separately under 2021/94669, as it is outside of the red line boundary for this application. It is necessary to consider the heritage impact in terms of its impact on the designated area and the design quality of the replacement buildings as contributors to the townscape.

KC Conservation and Design have been formally consulted as part of this proposal and have acknowledged that none of the surviving site buildings are listed but they are included on the West Yorkshire Historic Environment Record (WYHER) as a Class-III Archaeological Site (PRN 6662), affording some local historic interest and significance to the remaining buildings and its site. The building complex is also located within the Linthwaite Conservation Area, with the currently surviving buildings considered to be both local landmarks and positive contributors to its character and appearance, including in the published Conservation Area Appraisal.

The former dye works comprised a compact group of interconnected stone-built buildings, of varying dates, stepped into the steeply rising ground and (despite the extent of recent clearance) retain evidence of the evolution and adaption of the historic site processes. The most notable currently surviving buildings are the: 1906 office/warehouse block (fronting Manchester Road), a dye house (flanking Hoyle Ing) and the mill chimney which together retain the identity of the site as an example of an important and specialist local industry. The surviving buildings are thus considered to be of local heritage significance and Non-designated Heritage Assets. These buildings were to be retained and integrated into previous developments. They are now proposed to be demolished as part of the proposed development which is the subject of this application.

It is a minimum redevelopment expectation (in accordance with the requirements of the NPPF and Local Plan Policy LP35) that significant, character-defining, heritage assets are retained and should inform the design form of any proposals, unless there are exceptional reasons to justify their loss, such as the delivery of substantial public benefits.

The Former Hoyle Ing Dyeworks building group fronts onto Manchester Road and Hoyle Ing and, until recently, flanked these streets with a substantial and distinctly industrial character, abutting the terraced residential properties which also line the road. The built environment of Manchester Road is characterised by modestly scaled mills, and two and three storey dwellings, with small gardens framed by stone boundary walls. The topography has influenced the scale of the building group, with space being at a premium, so that the streetscape is characterised by the tight enclosure of Manchester Road.

In this case, the proposal would result in the loss of further historic fabric and would have a formation impact on the streetscape. As such, the development has been considered against Policies LP24 and LP35 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD, Chapters 12 and 16 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act.

The impact of the development should also be balanced against the deliverable public benefits and the extent to which the development will *'function well and add to the overall quality of the area'* as per NPPF paragraph 130.

The proposed development would accommodate a form of sheltered residential use, providing an affordable, supported living scheme for people within the local area. The site was chosen for its, *"highly sustainable location, within close proximity to necessary local services and is well connected through public transport links"* (D&AS – paragraph 2.2, page 5). This use may be considered to be a significant public benefit and could outweigh the loss of heritage assets, should it be able to be delivered.

A condition would need to be attached to the planning permission to state that no demolition should take place until a signed contract has been presented to the LPA to deliver the eventually consented scheme.

In terms of layout, the housing units would be accessed from a central shared courtyard, as previously approved.

Plots 1-9

The proposed form of Plots 1-9 comprises apartments intended to reflect the form and footprint of the 1906 office/warehouse which would be demolished. The building would be slightly set back from the street frontage to establish a modest area of private space on the Manchester Road frontage. The projection of the gable towards the road is welcomed, although its expression is minimal. Although the applicant has stated that the development includes *"active frontages to the public realm"*, the engagement with Manchester Road would in fact be limited, due to the lack of entrances to this elevation, and the false/infilled window openings proposed. These are shortcomings of the proposed development, however it is noted that a side entrance to the building would be visible from the road, and that private entrances from the road to the flats may cause security concerns, given the potential vulnerability

of the development's residents (a similar approach has been adopted at a site at St Paul's Road, Mirfield). False/infilled openings/panels have been successfully implemented further along Manchester Road at the Longfield Court development. The 3 storeys of the proposed building would reflect the 3 storeys of the listed terrace to the southwest.

As such, amendments have been sought to review the internal layout, to minimise pavement-adjacent bedrooms and to present a more coherent elevational rhythm to the fenestration.

In drawing HA-MRLW-010 the applicant proposed the reuse of some of the stone features of the Manchester Road elevation of the 1906 office/warehouse building. However, this re-use was no longer shown in rev B of that drawing. These stone features (including a 1906 date stone, lintels, surrounds, cornices, voussoirs, corbels, copings and kneelers) must be reused in any development at this site, to reflect the history of the site, to reference the building that is to be demolished, and to assist in making the proposed demolition acceptable. A condition is recommended, securing drawings (showing where and how the features would be reused) and implementation of the necessary reuse.

Some of the elevations on drawing HA-MRLW-010 rev B include continuous horizontal elements at lintel level. These are considered inappropriate, as they would undermine the vertical emphasis of the building's fenestration. An amending condition is recommended.

In terms of materials, natural stone is proposed for the external walling (per section 8 of the submitted application form), although no other external materials are identified in the application or shown on the amended drawings. Drawing HA-MRLW-010 rev B also suggests an alternative material (or texture, coursing or facing) is proposed for the false/infilled window openings, however the material proposed for these has not been confirmed. Natural blue slate should be specified for the roofs, along with natural stone door and window surrounds, string courses, copings and corbels. The stone should not be tumbled and dyed. The quality of the materials proposed for the new buildings will need to be carefully specified and selected to ensure that they positively contribute to the streetscape. As such, a condition requiring the submission of the materials prior to the construction of the building is recommended. This is to maintain and enhance the character and appearance of the conservation area, and to accord with Policies LP24 and LP35 of the KLP, Principle 13 of the Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF.

Plots 10-15

The design of the four bungalows proposed at Plots 10 to 13 is understood to be an attempt to express the simplistic form of the previously-cleared industrial building and the functional access requirements of its new use. The block would be set back from the pavement edge by approximately 2 metres and would be slightly raised above pavement level. The building would be single storey in height. The bedrooms of all units would face Manchester

Road at ground level, however, due to their location and the boundary treatment proposed, this would not enable privacy intrusion from the public realm.

The proposed bungalows would not fully screen the red brick gable end of 709 Manchester Road, however this is not considered to be a shortcoming that warrants refusal of planning permission.

The design form of the elevations is functional and would make a limited contribution to the streetscape, in contrast to the previous consented scheme and the cleared industrial building. However, the proposed Manchester Road elevation includes some modest architectural embellishment, such as the stone window surround and the dentilled eaves. As such, officers consider (on balance) the relatively simplistic design of these units to be acceptable, with weight being afforded to their attempt to replicate the cleared industrial building in which once stood on the site. This is supported under Principle 2 of the Housebuilders Design Guide SPD.

In terms of materials, the bungalows would also be constructed from natural stone, and a blue slate roof is required to match the other development within the site. However, as outlined above it is recommended that the submission of the proposed materials be controlled via a condition on the decision notice.

Plots 14 - 15

The conversion of the retained former dye house and is supported and welcomed from a heritage perspective. Amendments have however been sought, to include additional windows within the north eastern elevation, in order to retain those which exist within this building. This would also enhance the visual appearance of the unit and would ensure that it retains an element of the site's industrial past, which is an important feature within Linthwaite's Conservation Area Appraisal. KC Conservation and Design are in support of this aspect, however, they have requested that window and door details are submitted prior to construction. The windows should also be set back into the reveals by at least 75mm. This is to maintain and enhance the character and appearance of the conservation area, and to accord with Policies LP24 and LP35 of the KLP, Principle 14 of the Housebuilders Design Guide SPD and Chapters 12 and 14 of the NPPF.

Some details of boundary treatments are shown on the proposed site plan including a 0.9m high stone wall to the front elevation (facing Manchester Road), which is greatly welcomed from a heritage perspective, as it would enhance and respect the surrounding area. Nonetheless, a condition requiring the submission of full details for all boundary treatments is recommended.

Overall, it has been assessed that the proposal would take into account cues from the surrounding character and built environment, taking into account the site's previously manufacturing history. Therefore, its redevelopment is greatly welcomed, in line with the aforementioned policies.

Significance of the affected heritage assets

Paragraph 202 of the NPPF, which requires LPAs to consider the impact of a proposed development on the significance of a designated heritage asset, states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In terms of the impact on the significance of the designated heritage assets (Linthwaite Conservation Area and the row of Grade II listed buildings at 719-725 Manchester Road) it is noted that the works would be to redevelop the site which has fallen into a state of despair, whilst retaining some of the historic apertures of the former industrial use. Therefore, given the amendments sought above, it is noted that the development would have a positive impact upon the setting of the Conservation Area and neighbouring listed buildings.

Justification

Paragraph 200 of the NPPF states that the Local Planning Authority should require clear and convincing justification for any harm to designated heritage assets.

As set out within the applicant's submission, justification has been provided, as with many applications which affect the setting of heritage assets. In this case, the agent has outlined that the site has been subject to a number of previous permissions for residential development and therefore the principle of development is acceptable. More specifically, a structural report has been submitted, to outline that the office/warehouse building is showing significant signs of neglect and is considered to be in a poor structural condition. The applicant's geo-environmental investigation has also found high levels of naphthalene, and therefore the recommendation is that the building is demolished. This is accepted. Therefore, when taking into account the above and the heritage value of the office/warehouse building, KC Conservation and Design raised no objection to its demolition.

The development would provide assisted housing in which is required within the district. The applicant's submission outlines that Kirklees Housing Strategy 2018 – 2023 found that there is a strong need for local and national support for schemes which meet the unique needs of people with learning difficulties and physical disabilities. Kirklees has a shortage of good quality affordable housing as recognised in the Kirklees Housing Strategy 2018-23 and therefore, this development would help contribute towards this. The completed S106 agreement includes wording to ensure the development is only occupied by people in affordable assisted housing need, in order to ensure this benefit of the proposed development is secured.

The development has also been designed to sensitively enhance and reflect the site's industrial heritage, taking into account the concerns raised by KC Conservation and Design. As such, this is considered to have struck a balance between the practical requirements of the new use and the protection of the historic character of the site.

The level of justification is considered clear and convincing for the less than substantial harm caused.

Weighing of harm against public benefits

Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case, the developer has put forward a number of public benefits in which they consider outweigh the less than substantial harm. These include the redevelopment of a brownfield site and the delivery of affordable/assisted living dwellings in an area of the district where these are in great need. The development would also provide visual enhancement to the site which has fallen into decay. The public benefits to the scheme are considered to outweigh the harm identified above.

In summary, it is concluded that – subject to conditions – the proposal would be of a satisfactory design quality in keeping with the character of the area. The development's impact on the significance of the neighbouring Grade II listed buildings and the Linthwaite Conservation has been assessed and it is concluded that the public benefits of the proposal would outweigh the harm caused. As such, subject to conditions, the proposal would accord with Policies LP24 and LP35 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised: -

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable rooms that face onto windows of non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

In addition to this, Paragraph 130 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015, updated 2016).

In this case, third party residential properties are situated to the Northeast, Southeast and Southwest of the site. Nonetheless, considering the layout proposed, officers do not anticipate that the proposal would cause harmful overbearing, overshadowing or overlooking. However, a detailed assessment can be found below.

709 Manchester Road is an end terrace, 2-storey dwelling to the Northeast of the application site. Having reviewed the plans submitted, it has been noted that the nearest built form to these neighbours would be the single storey bungalows. More specifically, a separation distance of 4m would be proposed from these neighbours' blank elevation to the nearest elevation at plot 13. As such, there would be no undue overbearing or overlooking. Furthermore, whilst the bungalows would have a greater depth, they would be single storey and therefore any impact upon these neighbours' outdoor amenity space would be detrimental, as it appears that their garden is stepped/graded due to the changes in topography.

In terms of overlooking, the submitted plans only show a pedestrian door and small window to serve the hallway to be inserted into the nearest side elevation of plot 13. This would not unduly impact upon these neighbours' amenity, however due to the close separation distances, officers consider it necessary to attach conditions to the decision notice to ensure that this opening is fitted with obscure glazing and that no other windows should be inserted into this elevation, without consent from the LPA. This would remove any potential overlooking into these neighbours' garden space due to the layout of the properties in relation to one another.

Flats are situated to the East of the application site, behind the existing chimney. Given the location of the built form proposed, officers are satisfied that the development would not have a direct relationship with the nearest flat. More importantly, the sufficient separation distances and change in levels would further mitigate any undue overbearing, overshadowing or overlooking. Therefore, this relationship is considered acceptable.

1a Hoyle Ing is the neighbouring property to the Southeast of the application site. Due to the significant change in topography and the plot being spilt into two different levels, officers are satisfied that the development would not have a material impact upon these neighbours' amenity.

719 and 954 Manchester Road are the nearest residential properties to the Southwest of the application site. The nearest built form would be the proposed apartment block. Nonetheless, the submitted plans show a separation distance of 11.3m to the nearest blank facing side elevation at 719

Manchester Road. This would marginally fall short of the 12 metres expected between windows of habitable windows that face onto windows of non-habitable room, recommended within the SPD. However, any impact would not be detrimental for the future occupants. The apartment block would also be at an oblique angle to 954 Manchester Road. As such, officers are satisfied that the development would not lead to any detrimental overbearing, overshadowing, or overlooking upon these neighbours' amenity.

To the South of the application site is Linthwaite Business Centre and to the Northwest are Phantom Head Dental and a commercial garage.

The proposed layout, for residential amenity purposes, is therefore considered acceptable and complies with the guidance contained within the Householder Design Guide SPD and the aims and objectives of LP24 of the Kirklees Local Plan.

Level of amenity for future occupiers

Principle 16 of the aforementioned SPD sets out that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

Principle 17 also outlines that all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site.

Although the Government's Nationally Described Space Standards (2015, revised 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. In this case, all units would accord with the aforementioned standards, with habitable rooms benefitting from an adequate outlook and adequate natural light penetration.

In terms of private amenity space, the bungalows would include private gardens. The gardens have been considered reasonable for the size of the dwellings proposed. In terms of the apartments and maisonettes, small areas of shared amenity space have been proposed. There would also be a small area of public open space to the rear of the car parking spaces for the residents to enjoy.

Lastly, the development borders with Manchester Road, a busy highway and a potential source of noise pollution. As such, a Noise Mitigation Strategy by Highstone Homes has been submitted in support of the application. The statement explains there is a necessity for additional glazing on the windows that face Manchester Road (A62) due to the site's location and proximity to the A62. All habitable rooms facing the A62 must have a minimum sound insulation rating of 30 dB RW + Ctr. The report adds that this glazing consists of one or more laminated panes, with a thickness variation of up to 30% between the two panes. Standard thermal double-glazed units would suffice for usable rooms off Manchester Road. It is also specified that windows

fronting Manchester Road would be non-opening, and any habitable rooms without an opening window would have mechanical ventilation installed.

Therefore, whilst KC Environmental Health acknowledge that the applicant has identified potential noise issues at the development, the document indicates that standard thermal double-glazed units would suffice for usable rooms off Manchester Road. Without a noise assessment it is unclear whether this would be the case. Furthermore, there are insufficient details of the mechanical ventilation proposals. As the proposed site is adjacent to the busy A62, there are concerns that future occupiers at the development may be negatively impacted by noise from road traffic whilst inside the property. The applicant must therefore demonstrate that acceptable sound levels can be achieved in indoor rooms and in outdoor amenity areas, and noise conditions are therefore necessary. As such, an appropriate condition is recommended.

Overall, the proposal would result in an acceptable level of amenity being retained for the surrounding residential dwellings and provided for the future occupiers of the development, subject to the conditions identified above. This would accord with Policies LP24 of the KLP, Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

4. Impact on highway safety

Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

In this instance, KC Highways DM have been formally consulted. The application has been submitted with a Transport Statement prepared by Optima Intelligent Highways Solutions dated July 2021.

In terms of traffic generation, this has been assessed using a TRICS database, whereby the submitted Transport Statement assess the traffic generated of 'Residential affordable/Local Authority Houses' within section 5. In this instance, the total traffic generated associated with the proposed development is forecast as 5 two vehicle movements in the AM and PM peak

periods respectively. As such, KC Highways DM consider the trip rates to be acceptable in this respect.

With regard to site access and internal turning, the proposed access is to be taken from Manchester Road. To achieve suitable visibility splays and remove conflict with on street parking, a TRO is proposed in the form of on street waiting restrictions. The applicant has offered to fund this and the provision of double yellow lines at the site's access.

As such, the Councils Highway Safety Team are in support of this proposal and will progress a TRO through an appropriate section 106 contribution. A sum of £7,500 is to be secured.

The internal layout of the proposed development would remain private, given the nature of the development. The proposed parking provision is considered acceptable by KC Highways DM. A condition will, however, need to be attached to the decision notice to state that the building shall not be occupied until all hard surfaces have been laid with a permeable surface.

The proposed bin store and collection point adjacent to the highway is suitable for collection by a bin waggon via Manchester Road without it having to enter the site. This is considered reasonable as the development's internal road would not be adopted by the Council. The concerns raised by KC Waste Management have been acknowledged, regarding the distance in which some of the bins would need to be pulled in order to get to the collection point. A condition requiring details of bin management is recommended.

Having regard to the above, the proposal is considered to deliver a sufficiently safe and suitable access arrangement and adequate parking, which would not harm the flow of traffic on the surrounding highway network. It is therefore considered to comply with Policy LP21 and LP22 of the Kirklees Local Plan and the Councils Highways Design Guide and Housebuilder Design Guide SPDs.

5. Financial contributions and planning obligations

Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

Affordable housing

Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

In this instance, there is significant need for affordable 1- and 2-bedroom homes in Kirklees Rural West, along with 1- and 2-bedroom dwellings for older people specifically. Rates of home ownership are high at 75%, with 15% of homes rented privately and affordable housing constituting the remaining 10%. Kirklees Rural West has one of the lowest existing provisions of affordable accommodation across Kirklees.

The development as proposed would provide all dwellings as affordable (100%), and they would serve as specialist housing. This is greatly welcomed and would be compliant with the aforementioned policy. This provision has been secured in S106 agreement dated 10th August 2022.

Public open space

In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.

In this case, due to the challenging logistics of the site and its required need, there is a significant shortfall in public open space. As such, an off site contribution of £32,354.39 will be required in accordance with the Public Open Space SPD. Therefore, this has been included within the necessary S106 agreement to be read alongside this planning permission. This is to accord with Policy LP63 of the KLP.

Highways and transport

As previously outlined, the applicant has offered to fund a TRO provision and double yellow lines across the site's access. This has been secured through a S106 agreement for £7,500.

Management and maintenance

In order for the LPA to fulfil their obligation to ensure the maintenance and management of surface water drainage systems for the lifetime of the site, an undertaking to set up a management company to carry out an approved maintenance and management scheme, including access to and into any structure in accordance with CDM regulations 2015, and an itinerary and schedule of maintenance and management tasks. Such an undertaking can cease if and when the infrastructure is formally adopted by the Statutory Undertaker and/or Highways Authority. These matters have been addressed in the S106 agreement dated 10th August 2022.

Biodiversity

A Biodiversity Net Gain Assessment has been submitted as part of this development.

Overall, it is anticipated there would be a net loss to habitats of 63.46% (-0.31 habitat units). In addition to the above, it is anticipated that there would be a 100% net gain (0.10 units) in hedgerows as part of the proposed development. Given immediately adjacent land is already developed, occupied or not available, nearby mitigation (to achieve the required net gain) is assumed to not be possible. As detailed within the Biodiversity Net Gain

Assessment report, off-site compensation in addition to the habitats shown to be created within the landscaping plans would be required via a mutually agreed financial contribution to the LPA towards a local habitat provision project. In order to achieve the required 10% net gain, an uplift of 0.36 habitat units would be required via a financial contribution. Based on current figures (£20,000 per habitat unit plus a 15% admin charge), a financial contribution of £8,280.00 ($\text{£20,000} \times 0.36 = \text{£7,200} + 15\% \text{ admin fee}$) would be required in order to offset the loss of biodiversity on site. This has been addressed in the S106 agreement dated 10th August 2022.

6. Other matters

Ecology

KC Ecology have been formally consulted as part of this application. As a result of their original comments a Biodiversity Net Gain Assessment and an Updated Hibernating Survey have also been bought.

The updated hibernation survey report provides a robust assessment of the roosting suitability (for bats) of the buildings on site. A total of five roosts have been identified in building B2 on site. As such, demolition of B2 would need to proceed under a European Protected Species Mitigation Licence (EPSML). This licence is to be applied for once full planning permission is granted with all recommendations included in the updated bat hibernation report adhered to, including the production of a method statement detailing the measures required to ensure no bats will be harmed during the proposed construction and demolition works. It was found that no other buildings on site provided evidence of roosting bats. The EPSML should only be applied for once full planning permission is granted and all conditions relating to nature conservation discharged.

In light of the above the application is considered acceptable from an ecology perspective, subject to conditions regards a Biodiversity Enhancement Management Plan and its long term funding and implementation.

Crime prevention

KC Designing Out Crime Officer (DOCO) has been formally consulted as part of this application. The officer is satisfied with the security measures put forward by the applicant and therefore, no concerns have been raised. These include natural surveillance, CCTV and external lighting.

Trees

KC Trees have been formally consulted as part of this application, acknowledging that the scope for integrating trees within the site is limited. However, the additional three cherry trees proposed along the southern boundary are welcomed.

Even so, the officer maintains the stance that the whole site could be improved to accommodate trees to give more visual amenity to the wider area, however, it is noted that later detailed landscaping proposals could incorporate more trees, and at this stage the scheme can still be supported,

nonetheless. The proposed development is in accordance with Policy LP33 of the KLP.

Contaminated land

This site has been identified on the Council's mapping system as potentially contaminated land due to its previous use as dye works (site reference: 56/14). The application is classed as a major development.

A Combined Stage 1/2 Geo-Environmental Report by ARP dated 12th March 2021, (ref: HIG/01r1) has been submitted in support of the application. In Appendix K of the document there is a Contamination Remediation Statement also authored by ARP, dated 12th March 2021 (ref: HIG/01rem).

The Combined Stage 1/2 Geo-Environmental Report concurs with the Council's records in that the site has been historically used as a dye works. As such, several potential source – pathway – receptor linkages have been identified as being applicable to the proposed development. A field investigation was undertaken to examine the contamination status of the site. Several samples contained concentrations that exceeded the screening criteria for lead, benzo(a)pyrene and naphthalene. The maximum concentrations for these determinants were 36mg/kg, 52mg/kg and 520mg/kg, respectively. The report identifies that naphthalene may present a vapour risk. Low levels of PCBs of VOCs were identified despite the former use identified at the site. Localised chrysotile asbestos fibres were also identified within the made ground in Area B.

The Contamination Remediation Statement (ref: HIG/01rem) recommends that all existing topsoil be removed from the site. Where any garden or landscape areas overlie the existing made ground, a minimum 0.6m thickness of uncontaminated soils (topsoil and subsoil) should be provided. The report then suggests that due to the presence of asbestos, it is recommended that the cover blanket be underlain by a minimum 0.1m thick hard break layer of coarse stone, or a robust geotextile. For the naphthalene contamination, the report recommends that the areas of TP2 and TP11 should be excluded from the building footprints, or that additional testing is undertaken in this area to determine the extent of naphthalene contamination. Validation proposals are detailed in Section 4.0 the report.

In light of the above, KC Environmental Health accepts the Phase 1 aspect of the Combined Stage 1/2 Geo-Environmental Report by ARP dated 12th March 2021 (ref: HIG/01r1). However, clarification is required regarding the method of VOC sampling and an addendum must be provided detailing the works and results to supplement the existing site characterisation.

The aforementioned information has been provided on the 12th May 2022, which has provided the additional information in relation to VOC sampling being undertaken in the field investigation. This is considered satisfactory and therefore, a condition for a Phase 2 report need not be applied. However, it remains that officers do not accept the Contamination Remediation Statement (ref: HIG/01rem) which can be found in the appendix of the Combined Stage

1/2 Geo-Environmental Report. Therefore, the other previously stated contaminated land conditions must be applied, as also requested by The Environment Agency. This is to accord with Policy LP35 of the KLP and Chapter 15 of the NPPF.

Protection of a drinking supply

The proposed development is in a source protection zone and in close proximity to properties which rely on alternative sources of water for their drinking water supply. Two existing private water supplies are located c.250m away from the proposed development. It is therefore important that the proposed development does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute as a potential risk to human health.

For these reasons, KC Environmental Health have requested that a condition in relation to private water supply be necessary, prior to works commencing. This is to accord with Policy LP53 of the KLP.

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 Local Plan predates the declaration of a climate emergency and the net zero carbon target, however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to achieve net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources, reduce their reliance on sources of non-renewable energy.

In this case, it has been noted that the development would be constructed to modern building regulations which would aid in improving the overall thermal efficacy of the property. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain. Natural materials are also welcomed as they can be sourced locally and easily recycled.

A condition is recommended requiring the installation of Electric Vehicle Charge Points to mitigate the impact on air quality and to support infrastructure for low emission vehicles.

Construction noise and nuisance

The proposal is a major development next to existing residential properties. There may be unacceptable construction nuisance if the site is incorrectly managed. All reasonable steps must be taken to minimise and mitigate adverse effects from construction noise to protect nearby amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP), a condition to that effect is required. This is to accord with Policies LP24 and LP52 of the KLP.

Flood risk and drainage

The site is within Flood Zone 1 and is not larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) is not required.

Nonetheless, the council's Lead Local Flood Authority (LLFA) has been consulted as part of this application and have confirmed that the drainage proposals are acceptable, as the developer proposes to limit the discharge of surface water to 3.5 l/s into the Yorkshire Water Surface Water sewer in Hoyle Ing (subject to YW approvals) and provide a geocell type attenuation tank beneath the car parking area.

This has been supported by Yorkshire Water, who have requested a condition regarding the maximum surface water discharge rate to be attached to the decision notice. The applicant should, however, note that the size of the flow control outlet should ideally be no less than 100mm (but can be 75mm as an absolute minimum) to reduce the risk of blockage.

The size of the tank should be designed to retain all surface water flows within the site and ensure no flooding of the curtilages of existing or proposed buildings for the critical 1 in 100 year (plus 30%) rainfall event as stated in the Drainage Strategy Report. The design vertical loading on the geocell tank should also be specified on the construction issue drawings and should be sufficient for the estimated maximum vehicle wheel loading.

The sizing of the required storage volume should be confirmed using MicroDrainage (or similar) hydraulic calculations to be submitted following the detailed design stage.

Furthermore, the LLFA accepts that exceedance flood routing can be via the new access road onto Manchester Road as indicated on the Outline Drainage Strategy drawing.

Therefore, at the next stage, the developer should submit the proposed Maintenance Strategy for the surface water drainage and should also submit details on how surface water run-off will be controlled during the construction period.

For these reasons, KC LLFA can support the application subject to conditions regarding the drainage details, overland route flowing and a construction phase surface water flood risk and pollution prevention plan.

Sustainable drainage systems

The Environment Agency have been formally consulted as part of this proposal. In this instance, they do not believe that the use of infiltration SuDS is appropriate in this location. They therefore request that a planning condition be included as part of any permission granted. This ensure that no drainage systems for the infiltration of water to the ground are permitted without consent from the LPA. Without this condition the EA would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it could not otherwise be guaranteed that the development would not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Piling and investigation boreholes

The Environment Agency have noted that piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone 2. In light of this, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. This is to accord with 174 of the National Planning Policy Framework because it could not otherwise be guaranteed that the development would not present unacceptable risks to groundwater resources.

Retaining wall

KC Highways Structures have been formally consulted as part of the application. Following a formal consultation, the officer has requested that details of any new retaining walls and any construction for new surface water attenuation be submitted before development comments. This is essential in order to protect the adopted highway.

7. Representations

As a result of the publicity, two representations have been received. A summary of the points raised are as follows along with officer correspondence.

- The Colne Valley has a rich industrial heritage and the demolition of this building and in particular the chimney would be sacrilege. Very few chimneys of this type remain although at one time the entire valley was covered in them. The chimney at least should remain, as a monument to the past industrial history of the valley.
- I support the demolition of the chimney which has caused a great deal of concern locally. Whilst it may appear ok on the outside, the insider would rot and at some point may collapse without warning.

Comment: These concerns have been noted, however, they are outside of the red line boundary for this application and will be assessed as part of the allied application (2021/94669).

8. Conclusion

The proposal involves redevelopment of a site which has been vacant and in a state of disrepair for quite some time. The site is situated on Manchester

Road, within the Linthwaite Conservation Area and is adjacent to a row of listed cottages, making it a sensitive location within the townscape and in relation to heritage assets. Officers consider that the proposed demolition would cause less than substantial harm, but that redevelopment of the site would enhance the setting of the aforementioned heritage assets (subject to conditions), whilst providing 15 affordable units to help accommodate people in affordable assisted housing need. As such, the public benefits are considered to outweigh the less than substantial harm

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: 2021/94664

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, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP27, LP28, LP30, LP33, LP35, LP38, LP47, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the Housebuilders Design Guide SPD and the National Planning Policy Framework.

3. Prior to their use, details of all external facing materials, to include natural stone walling, 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 development being brought into use.

Reason: In the interests of visual amenity and heritage, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. Prior to their use, details of the proposed roofing material, to consist of natural blue slate unless otherwise agreed in writing by the Local Planning Authority, 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 development being brought into use.

Reason: In the interests of visual amenity and heritage, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. Before works commence on the superstructure, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.

Reason: In the interests of visual amenity and heritage, to maintain and enhance the character and appearance of the Linthwaite Conservation Area,

to maintain the setting of listed buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. Before works commence on the superstructure, details of the new windows at 1:5 and elevations at 1:20 shall be submitted to and approved in writing by the Local Planning Authority. All new window frames shall be set back in the reveal by 75-100mm and shall not be fitted flush with the external wall. The works shall then be carried out in complete accordance with the approved details.

Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord within Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Before works commence on the superstructure, amended elevations and sections shall be submitted to and approved in writing by the Local Planning Authority, showing:

- Where and how stone features from the 1906 office/warehouse fronting Manchester Road (including the 1906 date stone, lintels, surrounds, cornices, voussoirs, corbels, copings and kneelers) shall be salvaged, reused and incorporated into the development hereby approved; and
- Redesign of the elevations to the apartment building (plots 1-9) to remove inappropriate horizontal elements.

The development shall then be carried out in complete accordance with the approved details.

Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord within Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. The existing building shall not be demolished before a binding contract for the carrying out of works of redevelopment of the site has been made and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the new development will proceed after the loss of the existing building has occurred in accordance with paragraph 198 of the National Planning Policy Framework, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord within Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings

(apart from any expressly allowed by this permission) shall be created in the northeastern facing side elevation of plot 13 hereby approved.

Reason: So as not to adversely affect the amenities of neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Notwithstanding the submitted plans, the window within the north eastern-facing side elevation of plot 13 hereby approved, to serve the hallway shall be fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.

Reason: To protect the amenity of the neighbouring property, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

11. Prior to the commencement of development (including ground works) a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall be in accordance with the Biodiversity Metric 3.0 calculations dated 14th July 2021. The BEMP shall provide a minimum of 0.18 habitat units and 0.10 hedgerow units post-development and shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriately scaled maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- Arrangements for the review and update of the BEMP every five years and its implementation for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer through the management body responsible for its delivery.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain are agreed at an appropriate stage of the development process.

12. Groundworks shall not commence until the applicant has submitted to and approved in writing by the Local Planning Authority a schedule of works that clearly demonstrates that any nearby private water supply and/or collections

grounds of private water supplies will not be adversely impacted by the proposed development. The works shall then be carried out in accordance with the approved schedule of works.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

13. Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- Determine the existing noise climate
- Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. When demolition of the existing building is complete, groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

16. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- 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

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

18. No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide:

- A timetable of all works;
- Details of vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- Details of the parking of vehicles of site operatives and visitors;
- Details and location of signage;
- Details of loading and unloading of plant and materials;
- Details of storage of plant and materials used in constructing the development;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Measures to control and monitor the emission of dust and dirt during construction;
- A Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;

- Details of mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
- Details of artificial lighting used in connection with all construction related activities and security of the construction site;
- Site manager and resident liaison officer contact details (including their remit and responsibilities); and
- Details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24, LP51 and LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

19. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Details of materials to be used for all hard surfaced areas including linking paths, vehicle and other circulation areas;
- Planting plans; plant schedules noting species, plant sizes and proposed numbers/densities; and an implementation, management, and maintenance programme; and
- A Landscape Management Plan including details of initial aftercare and long-term maintenance for minimum of five years.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

20. The development hereby approved shall not be occupied until the areas to be used by vehicles, as indicated on the approved plan, have been laid out with a hardened and drained surface in accordance with the Ministry of 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these area shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

21. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. The maximum surface water discharge rate shall be restricted to 3.5 (three point five) litres per second, to the public surface water sewer network.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

22. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the effective disposal of foul, surface water and land drainage from the development so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

23. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

24. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail phasing of the development and phasing of temporary drainage provision;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- Include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure adequate temporary drainage is agreed and implemented before works commence.

25. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

26. Piling, other foundation designs and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

27. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls

adjacent to the existing / proposed adoptable highways shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway or adjacent ground, in accordance with Policies LP21 and LP53 of the Kirklees Local Plan.

28. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: To ensure that any new structures do not compromise the stability of the highway or adjacent ground, in accordance with Policies LP21 and LP53 of the Kirklees Local Plan.

29. Prior to the commencement of superstructure works, details of the management of waste collection points shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways or parking spaces, and shall include details of management measures (including measures to control odour and vermin, and regarding the movement of waste on collection days) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

NOTE: All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the

Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: The Environment Agency refer the applicant to their groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including

- Waste management
- Land contamination
- Drainage
- Piling End

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on gov.uk

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Electric Vehicle Charging Points 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. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. The electrical supply of the final installation should allow the charging equipment operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance: *Land Contamination Risk Management (LCRM) BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

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-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: Noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “*Guidance on the assessment of dust from demolition and construction*” Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The demolition of building B2 will need to proceed under a European Protected Species Mitigation Licence (EPSML). This licence is to be applied for once full planning permission is granted with all recommendations included in the updated bat hibernation report adhered to, including the production of a method statement detailing the measures required to ensure no bats will be harmed during the proposed construction and demolition works. The EPSML should only be applied for once full planning permission is granted and all conditions relating to nature conservation discharged.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	HA-MRLW-002	-	20 th December 2021
Proposed sections for retaining wall	HIG/01	-	20 th December 2021
Heritage statement	P20-2344	-	20 th December 2021
Design and access statement	Dated December 2021	-	20 th December 2021
Drainage strategy report	5196/DS01	-	20 th December 2021
Drainage strategy phase 2	5196-DS03	-	20 th December 2021
Building for a healthy life statement	Dated July 2021	-	20 th December 2021
Minerals statement	-	-	20 th December 2021
Planning statement	-	-	20 th December 2021
Noise mitigation strategy	-	-	20 th December 2021
Preliminary ecological appraisal & preliminary bat roost assessment	17281	-	20 th December 2021
Transport statement	21093-P1	-	20 th December 2021
Combined stage 1 and stage 2 geo-environmental report	HIG/01r1	-	20 th December 2021

Agents response to land contamination comments	Email dated 12 th April 2022	-	12 th April 2022
Agents response to conservation comments	-	-	13 th April 2022
Proposed floor plans and elevations for the apartments	HA-MRLW-010	B	13 th April 2022
Biodiversity net gain assessment	17358	-	28 th April 2022
Bat hibernation surveys	17499	-	28 th April 2022
Proposed floor plans and elevations for the maisonettes	HA-MRLW-015	A	12 th May 2022
Proposed floor plans and elevations for the bungalows	HA-MRLW-010	C	12 th May 2022
Landscape masterplan	HA-MRLW-003	D	12 th May 2022
Proposed site plan	HA-MRLW-001	C	12 th May 2022

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. In this instance, amendments have been sought to modify the design of the bungalows, apartments and maisonettes and to alter the proposed boundary treatment. Additional information in respect of biodiversity and land contamination has also been received. Final amended plans were received on the 12th May 2022.

Dated: 15th July 2022

