

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:	2022/62/91730/E
Site Address:	Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB
Description:	Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units
Recommending Officer:	Callum Harrison

DECISION – S106 Full Conditional Approval

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.

David Wordsworth

AUTHORISED OFFICER

Date: 17/03/23

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 26/01/2023

Application Number: 2022/91730

Officer Recommendation: Approve and secure a Section 106 Agreement to cover the following matter:

1. Financial contribution to deliver offsite habitat improvements (£30,130)

Committee Decision: Approve and secure a Section 106 Agreement to cover the following matter:

1. Financial contribution to deliver offsite habitat improvements (£30,130)

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP52 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Prior to commencement on the superstructure of the buildings hereby approved, detail and specifications of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority

Reason: As to ensure the development hereby approved respects the character of the host property and wider area, and represents high quality design, in accordance with Kirklees Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4. 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 + 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. DR07 Overland Flow Routing 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 provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that drainage matters are address at the appropriate stage.

5. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall provide details of:

- a) timetable of all works;
- b) measures to control and monitor the emission of dust and dirt during construction;
- c) 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);
- d) artificial lighting used in connection with all construction related activities and security of the construction site;
- e) site manager and resident liaison officer contact details (including their remit and responsibilities and if/how a point of contact would be advertised on site for local residents); and
- f) details of engagement with local residents and occupants or their representatives.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (for the amenity of residents) prior to works commencing on site.

6. Prior to development commencing, a schedule of the means of access to the site for construction traffic (a Construction Management Plan (CMP)) shall be submitted to, and approved in writing, by the Local Planning Authority. The

schedule shall include the point of access for construction traffic, details of the times of use of the access, times for deliveries and working hours, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site, and details of engagement with local residents and occupants or their representatives when forming the CMP. It shall also include details of a site manager and point of contact for residents in the event of any issues arising through the construction process. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure the construction allows for the safe and efficient use of the surrounding highway network, and to protect the amenity occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (for the amenity of residents) prior to works commencing on site.

7. 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:

- a) phasing of the development and phasing of temporary drainage provision.
- b) include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- c) the strategy shall 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: As to ensure the site remain suitable drained at all stages of construction and to prevent flooding risks to adjacent sites and premises due to the proposed development. This is a pre-commencement condition necessary given the need for adequate drainage solutions to be put in place for the construction period, prior to works commencing on site.

8. Development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: As to ensure the site remain suitable drained at all to prevent flooding risks to adjacent sites and premises due to the proposed

development. This is a pre-commencement condition necessary given the need for adequate drainage solutions to be put in place for the construction period, prior to works commencing on site.

9. Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: This is a pre-commencement condition as to ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework. It is fundamental that the condition be pre-commencement to ensure any potential mitigation measures are incorporated in to the construction of the development.

10. Notwithstanding the submitted plans and information, prior to the occupation of the development, a boundary treatment plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved boundary treatment details before any unit is first occupied. This boundary treatment shall be thereafter retained.

Reason: In the interest of visual and residential amenity and to comply with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12, further 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 paragraph nos. 183 and 184 of the National Planning Policy Framework

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. 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 2 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 paragraph nos. 183 and 184 of the National Planning Policy Framework

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

16. Prior to the occupation of the property, a plan detailing the positioning and location of an integral bat box (Schwegler Bat Wall System 3FE) shall be submitted to and approved in writing to the local authority.

Reason: to provide an enhancement to biodiversity in line with LP30 and the requirements of section 15 of the National Planning Policy Framework.

17. The use hereby permitted shall operate outside the hours of:

07:00 to 20:00 Monday to Friday;

08:00 to 17:00 on Saturdays; and,

10:00 to 16:00 on Sundays and on Bank Holidays.

There shall be no deliveries to or dispatches from the premises outside of the hours listed above either.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. Prior to the installation of any external artificial light, a scheme detailing all external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The artificial lighting shall then be installed in complete accordance with the approved scheme and retained thereafter.

Reason: To protect the amenity of existing nearby noise sensitive premises such as dwellings, in accordance with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

19. 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: -

- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial parking spaces

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 interests of promoting modes of transport with ultra-low emissions and to accord with the aims of Policy LP51 and LP52 of the Kirklees Local Plan as well as the sustainability principles of the National Planning Policy Framework.

20. Prior to the first occupation of any new vehicle parking or turning areas, full details of all the surfacing of the parking and turning areas within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall also include details of the finished gradients of the vehicles access points on to North Gate and Scott Lane. The surfacing shall then be carried out in complete accordance with the approved details prior to the occupation of any units, and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework,

21. Notwithstanding the plans hereby approved, prior to the occupation of the units, full details of the proposed waste storage arrangements, including the bin store location, design, servicing arrangement, and fire risk mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the suitable and safe collection and storage of refuse and to accord with Policy LP43 of the Kirklees Local Plan and chapters 9 and 12 of the National Planning Policy Framework.

22. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site.

Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: As to ensure the public sewer line to does not get damaged or have access restricted to it, In the interest of public health and maintaining the public sewer network in accordance with Local Plan Policy LP2

23. Notwithstanding the plans hereby approved, prior commencement of development on the superstructures of the units, details for the provision of integrated bird boxes shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the bat box type, location and quantity. The integrated bat boxes shall be provided prior to the occupation of the development and retained thereafter.

Reason: Given the site is adjacent to the swift alert area, this condition is required to mitigate the impacts on birds and biodiversity in accordance with Kirklees Local Plan Policy LP30, Chapter 15 of the National Planning Policy Framework and The Biodiversity Net Gain Supplementary Planning Document.

24. Prior to the occupation of the development, full details, including plans and technical specifications for all security measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The security measures shall then be implemented in complete accordance with the approved plans prior to the occupation of the development and retained thereafter.

Reason: As to ensure the site is secured suitable, in accordance with Kirklees Local Plan Policy LP24 and Chapters 11 and 12 of the National Planning Policy Framework.

25. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) the means of discharging to the public sewer network at a rate of 13.1 litres per second.

Reason: To ensure the provision of adequate systems of drainage until proper provision has been made for surface water disposal in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

26. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building for active birds' nests immediately before the building is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP 30 and the requirements of section 15 of the National Planning Policy Framework.

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

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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	100	1	18/05/2022
Existing Site / Block Layout	101	1	18/05/2022
Statement of Community Involvement Layout	102	1	18/05/2022
Proposed Site / Block Layout	310	C	21/12/2022
Proposed Site Footprint	311	D	21/12/2022
Grouped Plans and Elevation Plots A-C	312	B	21/12/2022
Grouped Plans and Elevation Plots D-F	313	B	21/12/2022
Grouped Plans and Elevation Plots G-H	314	C	21/12/2022
Grouped Plans and Elevation Plots I	315	B	18/05/2022
Proposed Site Sections	316	C	21/12/2022
Vehicle Tracking Plan	1724-104	1	18/05/2022
Proposed Site / Block Layout	1816/320	1	18/05/2022
Highways Statement	1724B	2	18/01/2023
16.5m Max Legal Tracking	1724 202	1	21/12/2022

7.5t Van Tracking	1724 201	1	21/12/2022
Statement of Community Involvement	-	1	18/05/2022
Design & Access Statement	-	1	18/05/2022
Geo-Investigation Report	G19086	1	23/05/2022
Phase 2 Intrusive Site Investigation Report	G19086	1	23/05/2022
Bat Survey	-	1	23/05/2022
Drainage Assessment	2019/2514	D	23/05/2022
Drainage Layout	EWE/2514/01	1	18/05/2022

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. There was a formal pre-application enquiry submitted in 2020 for a mixed-use residential and light industrial scheme on the site. This proposed 15 dwellings in the northern part of the site and several light industrial units in the southern part of the site. The overall principle of development was considered acceptable although the Police Architectural Liaison Officer raised strong concerns with the location of the dwellings facing onto Scott Lane.

Under application 2020/91747, the planning application was amended by the applicant to reduce the number of units from twelve to nine, by omitting three units in the southern part of the site and removing the dwellings proposed on the pre-application. Also, under application 2020/91747. Additional information was provided to address highways, drainage and ecological matters. Site illustrations were also provided to assist with the assessment of the proposals.

Under this application, minor revisions to the layout were made along with the submission of additional information with regard to highway safety. The agent has also agreed to enter into a section 106 agreement to secure funds for offsite habitat improvements.

Report Dated: 09/03/2023

