

**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:	2022/60/93563/E
Site Address:	New North Road, Heckmondwike, WF16 9DW
Description:	Outline application for erection of residential development
Recommending Officer:	Emma Thompson

DECISION – Conditional Outline Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 02-May-2024

Officer Report:

Site Description

The application site comprises of an enclosed area of factory/commercial buildings within a mixed industrial/residential area. The site is located to the east of New North Road with residential development to the north and south. There are more commercial buildings to the east. There is a recreation area opposite the site (across New North Road). There are commercial units to the south with residential properties beyond those.

The site is reasonably open to the front, the existing units are visible within the street. The two units are single storey constructed of brick, render and cladding. There is an area of green space with the remainder hardstanding. There is an existing vehicular access directly from New North Road into the site to areas of parking.

Description of Proposal

The application seeks outline planning permission for the erection of residential development with access indicated for consideration.

The plans submitted include an indicative layout that show two pairs of semi-detached properties to the site frontage separated by the access which leads to a row of three terraced properties in the south eastern corner and another pair of semis to the north east. The plan shows respective parking spaces as well as visitor spaces.

History of negotiations/amendments received

Additional information was sought with regards to the potential for bat activity.

Relevant Planning History

89/04037 – Erection of workshop – approved

94/91948 – Change of use to children's play centre - approved

2004/90434 – Erection of workshop - refused

2005/91352 – Erection of workshop - refused

Representations

The application has been publicised by neighbour letters no comments have been received.

Consultation Responses

KC Highways Development Management: No objection

KC Waste Management: No objection

KC Ecology: No objection

KC Environmental Health: No objection

Coal Mining Authority: No objection

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 not specifically allocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings

- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 43** – Waste Management
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20 December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and enhancing the historic environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places...”

“The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but must be balanced against any adverse impacts of granting the proposal.

In respect of the above, the principle of development is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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 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.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The application does not include appearance, layout or scale for consideration, but an indicative plan has been received that shows 3 pairs of semi-detached properties and a row of three all of which are two storey. The plan shows associated garden space to the rear of each of the 4 dwellings along with parking. Whilst in general the plan could be acceptable it should be noted that the House Builders Design Guide Principle 11 and 12 states that parking should not dominate building frontages. The parking at plots 4 and 5 should be reconsidered for reserved matters.

To ensure the height and scale sits comfortably site sections should accompany any reserved matters application showing the development relative to surrounding land and buildings.

The plan shows bin presentation point adjacent to Plot 8 towards the front of the site. This will require screening to ensure the development avoids any visual harm to the street.

Whilst materials have not been specified it is considered that the development could be constructed using materials appropriate to the area and within context. Officers consider that a scheme can be designed addressing the points raised to avoid detrimental harm to the visual amenities of the locality. The proposal

is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 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 6 of the Kirklees Housebuilders Design Guide SPD states 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.”* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- 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 metres distance from the side wall of the new dwelling to a shared boundary.

The application is in outline with access included for consideration. An indicative plan accompanies the application showing the position dwellings. The indicative layout would not meet the standards set in not achieving respective distances particularly Plots 1-3 to the building at the rear which is less than 12 metres. The location and/or design of Plots 1 and 2 do not achieve a distance of 12 metres from existing habitable room windows. The units could be designed and located to avoid the loss of amenity to nearby occupants meeting, in general, policy set out in the SPD.

It is likely that a scheme could be designed to avoid detriment to future and existing occupants as required by policy LP24 of the Local Plan.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states 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. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD 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. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

It is not clear from the submitted details how many bedspaces each plot is to accommodate. Any scheme should ensure compliance with the dimensions and space requirements set out in the NDSS.

The dwellings shown appear to meet the standards, however these will be rechecked when reserved matters are submitted. The proposed rear gardens are considered to be a size relative to the dwellings shown.

A scheme could be designed to ensure compliance with the standards set out and therefore acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Paragraph 115 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

This is an outline application with access the only matter to be considered for the erection of residential development at New North Road, Heckmondwike.

The existing site is currently a steel fabrication business located next to the Heckmondwike Trade Centre which houses several businesses including amongst others a takeaway, Crazy Kids soft play centre.

Access to the proposed development is from New North Road. The indicative plan prepared by JA Oldroyd and Sons Ltd show 9 three bedroomed semi-detached and terraced houses served by a 5.5m wide access road and turning head. Each of the proposed houses is shown to have a least two off street parking spaces with one visitor space shown and a bin collection point at the site access.

Sight lines 2.4m x 65m (north) and 2.4m x 47 m(south) are shown from the site access onto New North Road. These sight lines are shown to be within the existing width of footway along New North Road and are considered acceptable given the 30-mph speed limit along this section of road.

Whilst the layout shown on the indicative plan is cramped with no pedestrian access shown from New North Road, the turning head is narrow and unlikely to be sufficient in size to turn a large 11.85 m refuse vehicle and insufficient visitor parking is shown the only matter to be considered is access.

As far as access is concerned these proposals are considered acceptable to Highways Development Management.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Waste collection:

Comments have been provided by KC Waste Management that should be taken into account when finalising the layout and design of the development. A scheme can be developed that meets the requirements in accordance with LP43 of the Local Plan.

Other matters:*Ecology:*

The existing site has been assessed in respect of the possibility of bat activity and roosting.

A bat survey has been reviewed by the KC Ecologist. The redevelopment would not result in harm to any species and there would not be any loss of habitat of biodiversity value. The demolition of the existing buildings is acceptable. Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity.

The application does not contain information in respect of biodiversity mitigation and net gain and therefore in order to comply with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 on the NPPF a reserved matters application should be accompanied by a Ecological Design Strategy (EDS). Subject to mitigation and enhancement secured by condition the development would be in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Contaminated Land

The proposed development includes demolition of existing old structures which may have a contamination legacy and is situated on land identified as being on potentially contaminated due to its former use, conditions are required to ensure the development of the site adequately deals with land contamination in accordance with Policy LP53 and Chapter 15 of the NPPF.

Coal mining legacy:

The planning application is accompanied by a Coal Mining Risk Assessment Report (4162, December 2022) prepared for residential development at the site by Michael D Joyce Associates LLP. The Report has been informed by historical, geological and coal mining information.

The report author concurs with our records and considers that whilst it is unlikely that the mine entries are present within the site, prior to construction, a surface strip is carried out to the footprints of Plots 8 and 9, and the front garden areas of these plots.

As the applicant is seeking outline consent only (with access being considered), the Coal Authority have no objections to the LPA granting outline consent as the layout is not being considered at this time and based on the area of the site, is likely to be able to accommodate the quantum of development proposed.

Whilst an appropriate assessment and mitigation strategy has been provided, the Coal Authority consider that the above investigations to confirm the absence of the mine entries within the site should be carried out prior to the submission of the reserved matters application. In the event that the mine entries are found within the site, the layout will need to be informed by these features to ensure that adequate separation between buildings and mine entries are incorporated in order to comply with adopted policy (above). If the mine entries are not found, the worst-case scenario should be adopted that the mine entries are just outside the site boundary. The applicant's geotechnical consultant should be able to calculate the zone of influence (no build zone) of the off-site mine entries based on the ground conditions encountered. The findings of the investigations should also inform the extent

of any remedial and / or mitigation measures required to ensure that the development, as a whole, is safe and stable.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and to ensure accordance with Policy LP53 of the Local Plan.

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.

Due to the nature of the scheme, this being a proposal for residential development within the site, it is considered that electric vehicle charging points for each dwelling should be provided to aid in the contribution to climate change. This matter could be conditioned should planning permission be granted.

Noise:

The proposed development is near to a busy road and existing commercial uses, noise from which is likely to have an adverse impact on future occupiers of the site. Therefore, it will be necessary for a noise impact assessment to be submitted to accompany a reserved matters submission. The assessment should determine the existing noise climate taking all likely noise sources into consideration and then detail how this will affect the proposed development. It should also detail any noise mitigation measures that will be required so that satisfactory sound levels will be achieved both indoors and at any outdoor amenity areas at the development. If windows need to be kept closed to achieve satisfactory indoor sound levels, then the mitigation measures will also need to include specific details of the alternative ventilation that will be provided as a substitute to opening windows.

Therefore, it will be necessary for a condition requiring a noise assessment to assess the impact that existing noise sources will have on the proposed development.

Construction Environmental Management Plan

There is a potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the demolition and construction phase of the development. We therefore recommend a condition for a Construction Environmental Management Plan.

Representations:

As a result of the publicity no comments have been received.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

RECOMMENDATION**APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2022/93563

Recommendation: conditional outline permission

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. An application for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 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. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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.

9. 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 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.

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.

10. Prior to the submission of the reserved matters application intrusive site investigations, identified by Michael D Joyce Associates LLP (report author of the Coal Mining Risk Assessment Report (4162, December 2022) have been carried out on site to establish the risks posed to the development by past coal mining activity (mine entries).

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. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time.

11. As part of the reserved matters application a report is submitted based on the findings of the site investigation works including an appropriate scheme of remedial and mitigation measures, if required. This should include the submission of the proposed layout plan which identifies the exact location and co-ordinates of the recorded mine entries, if found within the site, and the zone of influence (no build exclusion zone) of any mine entry within influencing distance of the site.

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. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time.

12. No development shall commence until all remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time.

13. Prior to the occupation of the development, or it being taken into beneficial

use, a signed statement or declaration prepared by a suitably competent person

confirming that the site is, or has been made, safe and stable for the approved

development shall be submitted to the Local Planning Authority for approval in

writing. This document shall confirm the methods and findings of the intrusive site

investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time.

14. As part of the reserved matters application 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 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

a) Determine the existing noise climate

b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (nighttime) and other habitable rooms of the development

c) Detail the proposed attenuation/design necessary to protect the amenity

of the

occupants of the new residences (including ventilation if required).

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: To protect the amenity of occupiers of the proposed development from

noise or disturbance from nearby noise generating premises 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.

15. No part of the development shall be brought into use until the existing access from Healey Lane has been permanently closed [and any redundant footway crossings removed, and the footway reinstated] and the new access has been constructed and brought into use in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid danger and inconvenience to highway users and to accord with Policy LP21 and LP22 of the Kirklees Local Plan.

16. Prior to the commencement of the development, a plan detailing the positioning, location and specification of two house sparrow terraces (Schwegler 1SP sparrow terrace, or similar) and two bat boxes (Schwegler 3FE Bat Box or similar) shall be submitted to and approved in writing to the local authority. The boxes shall be installed and retained as detailed in the approved plans.

Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 and the requirements of section 15 of the National Planning Policy Framework. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction programme.

17. Prior to development commencing (including demolition) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also

- include suitable restrictions on the hours of working on the site including times of deliveries.

- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during demolition/construction

- Artificial lighting used in connection with all construction related activities of the construction site.

A communications plan detailing the responsible person, contact details and how this will be communicated to local residents.

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 part 15 of the NPPF and LP52 of the Local Plan.

18. 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 the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use 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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

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.

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:

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 electrical supply of the final installation should allow the charging equipment to

operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

- 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 in relation to Approved Documents.

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 (Kirklees Street Scene: 01484 221000) regarding 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:

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Blackwells 1:1250		10/11/2022
Existing site plan	22/145		10/11/2022
Prelim housing plan	22/145		10/11/2022
Design & Access Statement			10/11/2022
Coal Mining Risk Assessment			07/12/2022
Bat Survey	20584/JR		04/04/2023
Bat Survey - Emergence	20584/JR		07/09/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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. Further information was sought regarding the potential for bat activity associated with the existing buildings.

Report Dated:

30/4/24