

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2022/44/93608/E
Site Address:	Land adj, High Street and Challenge Way, Hanging Heaton, Batley, WF17 6DP
Description:	Discharge of conditions 24 (Landscape Strategy), 25 (Ventilation Mitigation Strategy), 26 (Secure Cycle Parking), 27 (Lighting Design Strategy for Biodiversity), 28 (Temporary Waste Storage and Collection) and 29 (EVCP) of previous permission 2021/91871 for erection of residential development (55 dwellings) including access and associated infrastructure
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – 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: 31-Jan-2023

Application: 2022/44/93608/E

Site: Land adj, High Street and Challenge Way, Hanging Heaton, Batley, WF17 6DP

Proposal: Discharge of conditions 24 (Landscape Strategy), 25 (Ventilation Mitigation Strategy), 26 (Secure Cycle Parking), 27 (Lighting Design Strategy for Biodiversity), 28 (Temporary Waste Storage and Collection) and 29 (EVCP) of previous permission 2021/91871 for erection of residential development (55 dwellings) including access and associated infrastructure

Assessment

Condition 24 (Landscape Strategy)

24. Notwithstanding the submitted plans, prior to works associated with the provision of hard and / or soft landscaping commencing, a landscaping strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of treeplanting to mitigate the loss of trees. The approved landscaping plan shall be implemented prior to the hereby approved development being brought into use. All planted materials shall thereafter be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: *In the interests of preserving the local ecological value, the visual amenity and character of the surrounding area and to accord with Policies LP24, LP30 and LP63 of the Kirklees Local Plan.*

K.C. Landscape expressed concerns over the lack of details on the timeframe for maintenance and the location of trees proposed.

Regarding the timeframe, this is secured by the condition. Nonetheless the applicant has provided an updated strategy which directly references 5 years of maintenance / management.

On the matter of the location of trees, officers shared this concern. The majority of trees were proposed within back gardens, where they would have limited public amenity value due to not being visible. This led to an amended plan which repositioned many of the trees to front gardens / verges / open space. As a result, the trees would be more prominently visible and would contribute to an attractive streetscene.

Officers and K.C. landscape consider the final plan to be acceptable. Officers therefore recommend that the details submitted pursuant to condition 24 be approved.

Condition 25 (Ventilation Mitigation Strategy)

25. Notwithstanding the submitted information, prior to the installation of fenestration glazing on the hereby approved dwellings, a further noise assessment report shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms, provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows.*
- The ventilation Scheme must demonstrate how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.*
- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots, provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB LAeq,16hour to be achieved at these plots.*

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: *To mitigate against undue noise pollution, in the interest of residential amenity, to comply with Policies LP24 and LP52 of the Kirklees Local Plan.*

The submitted details have been reviewed by K.C. Environmental Health, who offer no objection. Officers therefore recommend that the details submitted pursuant to condition 25 be approved.

Condition 26 (Secure Cycle Parking)

26. Prior to first occupation, further details of secure cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

Reason: *To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.*

The submitted information was initially considered lacking in detail and security features.

Following feedback and amendments the re-submitted details have been reviewed by the West Yorkshire Police Designing Out Crime Officer and found to be acceptable from a security perspective. The storage details were also considered acceptable to officers, being both secure and of a sufficient quality to promote cycle usage.

However, officers requested that cycle stores sited above the easement crossing the site be removed (namely at plots 37, 39, 40, 47 – 53 and 55). It is accepted that this results in not all units having a cycle store, however it is considered necessary to prevent conflict with the management and maintenance of the easement (and to conform to condition 36, which secures the easement). No other practical locations for cycle stores on these plots were identified, and cycles would need to be stored within dwellings.

Officers therefore recommend that the details submitted pursuant to condition 28 be approved.

Condition 27 (Lighting Design Strategy for Biodiversity)

27. Prior to the occupation of the hereby approved dwellings, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: *To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.*

The submitted details have been reviewed by K.C. Ecology who offer no objection. Officers therefore recommend that the details submitted pursuant to condition 27 be approved.

Condition 28 (Temporary Waste Storage and Collection)

28. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: *To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, 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.*

The submitted details have been reviewed by K.C. Waste and found to be acceptable. Officers therefore recommend that the detail submitted pursuant to condition 28 be approved.

Condition 29 (EVCP)

29. Prior to the occupation of the hereby approved dwellings, an electric vehicle recharging point shall be installed within the dedicated parking area of each of the approved dwellings. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: *In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.*

This is a compliance condition and does not require discharging. A plan showing the proposed EVCP locations has been provided and does not raise concerns. Specifics of the EVCP to be installed are not provided, however the plan specifies that it would comply with the condition's requirement.

This condition is not to be discharged, however a note on the decision notice is intended confirming officers have no concerns relating to the details given.

Summary

Details submitted pursuant to conditions 24, 25, 26, 27, and 28 may be approved.

Condition 29 does not require discharging.

Recommendation: Approve details.

Report Dated: 31/01/2023

Proposed Letter Text

Condition 24 (Landscape Strategy)

You have submitted the following information pursuant to condition 24:

- Plan ref. MR20-139/101 rev. G
- Plan ref. MR20-139/102 rev. H
- Plan ref. MR20-139/103

I can confirm that the submitted details are acceptable for the initial purpose of condition 24.

However, you are reminded that condition 24 has an ongoing requirement which must be adhered to, to ensure ongoing compliance:

The approved landscaping plan shall be implemented prior to the hereby approved development being brought into use. All planted materials shall thereafter be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Condition 25 (Ventilation Mitigation Strategy)

You have submitted the document Noise Survey authored by FES Acoustics dated October 2022 Ref A001230 Issue 5.1

I can confirm that the submitted details are acceptable for the initial purpose of condition 25.

However, you are reminded that condition 25 has an ongoing requirement which must be adhered to, to ensure ongoing compliance:

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Condition 26 (Secure Cycle Parking)

You have submitted the plan ref. "4807/13 rev. C" pursuant to condition 26.

I can confirm that the submitted details are acceptable for the initial purpose of condition 26.

However, you are reminded that condition 26 has an ongoing requirement which must be adhered to, to ensure ongoing compliance:

The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

Condition 27 (Lighting Design Strategy for Biodiversity)

You have submitted the document titled "Lighting Strategy, Project: High Street/Challenge Way Development" pursuant to condition 27.

I can confirm that the submitted details are acceptable for the initial purpose of condition 27.

However, you are reminded that condition 27 has an ongoing requirement which must be adhered to, to ensure ongoing compliance:

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Condition 28 (Temporary Waste Storage and Collection)

You have submitted the plan ref. 301 Rev 11 pursuant to condition 28.

I can confirm that the submitted details are acceptable for the initial purpose of condition 28.

However, you are reminded that condition 28 has an ongoing requirement which must be adhered to, to ensure ongoing compliance:

The temporary arrangements so approved shall be implemented prior to first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Condition 29 (EVCP)

You have applied to discharge condition 29 with the plan titled "Site Plan – Proposed EVCP from Waller & Partners". However, condition 29 does not require discharging. It is a compliance condition which stipulates requirements to be adhered to. Therefore condition 29 cannot be formally discharged.

Notwithstanding the above, officers note that the submitted details comply with the stipulations of condition 29 and no objections over the provided details are raised.

