

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:	2023/44/93082/E
Site Address:	Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB
Description:	Discharge of conditions 3 (materials), 4 (drainage), 5 (CEMP), 6 (CMP), 7 (temporary drainage), 8 (parking drainage), 9 (noise), 11 (phase I report), 12 (phase II report), 13 (remediation strategy), 16 (integral bat box), 22 (sewer protection), 23 (bird boxes) and 25 (surface water discharge) of previous permission 2022/91730 for demolition of former dairy/snooker centre/storage and erection of 9 light industrial units
Recommending Officer:	Liz Chippendale

DECISION – Discharge of Condition – Split Decision

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

Nick Hirst

AUTHORISED OFFICER

Date: 16-Mar-2026

Reference: 2023/93082

Description: Discharge of conditions 3 (materials), 4 (drainage), 5 (CEMP), 6 (CMP), 7 (temporary drainage), 8 (parking drainage), 9 (noise), 11 (phase I report), 12 (phase II report), 13 (remediation strategy), 16 (integral bat box), 22 (sewer protection), 23 (bird boxes) and 25 (surface water discharge) of previous permission 2022/91730 for demolition of former dairy/snooker centre/storage and erection of 9 light industrial units

Site address: Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB

Public representations

Two public representations were received. A summary of comments is as follows:

- Object to the closure of sewer as the boundary of the development site (represented in green on drawing EWE/2514/03) has been inaccurately drawn.

Response: Yorkshire Water have objected to the discharge of Condition 22 (Sewer closure) due to new information received. Condition 22 will not be discharged at this stage.

Assessment

Condition 3 (materials)

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:** So 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.*

You have submitted the following:

- Condition 3 – Materials and colours Rev A – 04/03/2026

Officer assessment

The approved layout has three adjoining units facing directly onto Northgate (units A-C). As originally proposed, the applicant sought for these to be a brick plinth with cladding above. This raised concerns from officers.

As detailed within the latest submission (Rev. A), where the units face onto Northgate road, they would be faced in natural Yorkshire stone with a stone slate roof.

The remaining elevations would be clad in modern cladding panels (Kingspan KS1000RW) with a brickwork plinth. These materials were accepted at application stage, subject to consideration of the specific details as part of this Discharge of Condition. Those proposed are considered acceptable.

The details provided with the submitted document Condition 3 – Materials and colours Rev A are considered to be acceptable for the purpose of condition 3. The development shall be constructed in the approved materials and retained thereafter.

Condition 4 (drainage)

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*

You have submitted the following:

- Drawing Ref: 1816/430, Temporary Drainage Works, Rev - dated Feb 2024
- Drawing Ref: EWE/2514/01, Drainage Layout, Rev G dated 07/12/2023
- Drawing Ref: 2019/2514, Drainage Assessment, Rev E dated 22/09/2023.

Consultee response

The Lead Local Flooding Authority have provided the following comments in their consultation response dated 24/11/2023:

The LLFA confirms acceptance of the following:

- *allowable surface water discharge rate of 13.1 l/s,*
- *the proposed attenuation structure and volume,*
- *the hydraulic calculations submitted in the Drainage Assessment*
- *the exceedance flood routing,*
- *the proposed discharge point to the Yorkshire Water 375mm dia Combined Sewer in Scott Lane.*

Condition 4 & Condition 25

*The LLFA confirms that this condition **can be** discharged.*

Yorkshire Water confirmed in their comments dated 10/11/2023 that they have no objection to the details pursuant to condition 4.

Officer assessment

Officers support the assessment of the LLFA and recommend that the details be approved, with a note of the condition's ongoing requirement.

Condition 5 (CEMP)

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.*

The following documents have been submitted:

- Construction Environmental Management Plan (CEMP) and Construction Management Plan (CMP) Rev2 May 2024
- Construction Management Plan. Drawing No – 1816/103

Consultee response:

K.C Environmental Health provided the following comments, dated 23/11/2023:

We do not agree with the operating times listed in the CEMP, condition 17 is mentioned which is not relevant to this application. This requires amendment.

For the applicant's information our standard construction times are:

No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

We would expect a CEMP to reference best practicable means (BPM), (as defined in Section 72 of the Control of Pollution Act 1974 (CoPA)) and to include the controls appropriate to the site listed within BS 5228: Noise and vibration control on construction and open sites Part 1: Noise and Part 2: Vibration.

K.C Environmental Health comments dated 31/01/2024, following submission of amended CEMP:

We accept the revised Construction Environmental Management Plan, Rev 1, and undated Programme of works schedule and recommend the elements of the Condition 5 that are within the remit of Environmental Health are discharged. However, condition 5 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded that 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.

Officer assessment

The condition requires details to address specific requirements a – f, which are considered in turn:

a) timetable of all works;

This is detailed on page 2 of the CEMP. While not overly detailed, it provides a high-level understanding of the proposed timetable and is considered commensurate to the scale of the proposal.

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;

Points b, c, and d are considered together. These fall within the remit of K.C. Environmental Health who, per the above comments, consider the details to be acceptable. Officers concur with this assessment.

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

A site manager is named, with confirmation that an emergency contact number (available 24 hours) will be 'clearly indicated on the site signage positioned on the main delivery gate to the site, from Scott Lane'.

This arrangement is considered commensurate to the proposal.

f) details of engagement with local residents and occupants or their representatives.

This is detailed on page 4 of the submitted CEMP and identifies properties to be notified via letter and the content of the letter, along with contact details for emergencies. This is considered acceptable for the scale of the proposal.

In summary, the submitted CEMP (as revised) addresses all requirements of condition 5. It is therefore recommended to be approved, alongside a note of

the condition's ongoing requirement. Furthermore, the note requested by K.C. Environmental Health (re. Section 60 of the Control of Pollution Act 1974) is recommended to be included.

Condition 6 (CMP)

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.*

You have submitted the following:

- Construction Environmental Management Plan (CEMP) and Construction Management Plan (CMP) Rev2 May 2024
- Construction Management Plan. Drawing No – 1816/103

Consultee response

K.C Highways DM provided the following comments in their consultation response dated 27/11/2023:

These proposals are considered acceptable to Highways Development Management

Officer assessment

Officers support and concur with the assessment by Highways DM. The submitted CMP is considered acceptable for the purpose of condition 6 and is recommended to be approved, with a note of the ongoing requirement recommended to be included on the decision notice.

Condition 7 (Temporary drainage)

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.*

The applicant has submitted the following pursuant to condition 7:

- Drawing Ref: 1816/430, Temporary Drainage Works, Rev - dated Feb 2024
- Drawing Ref: EWE/2514/01, Drainage Layout, Rev G dated 07/12/2023
- Drawing Ref: 2019/2514, Drainage Assessment, Rev E dated 22/09/2023.
- Agent email to Kirklees Council dated 07/05/2024 regarding condition 7

Consultee response

The LLFA provided the following comments in their consultation response dated 24/11/2023:

Condition 7

*No details of how the site will be drained during the construction phase have been submitted, therefore this condition **cannot be** discharged.*

Updated LLFA comments received 11/01/2024 following submission of new details:

Condition 7

*No details of how the site will be drained during the construction phase have been submitted, therefore this condition **cannot be discharged**.*

Updated LLFA comments received 15/03/2024 following submission of details:

Condition 7

*The submitted Temporary Drainage Works drawing indicate that a bund will be constructed to prevent surface water run-off onto Scott Lane and that existing site levels fall away from Northgate. In addition, the permanent attenuation tank will be installed at the start of construction works. However, no details indicating how the temporary drainage will be restricted to 2.5 l/s per ha as required by Condition 7. Further information is required as noted above; therefore this condition **cannot be discharged**.*

Final comments received 08/05/2024 from the LLFA (via email), following submission of additional details:

It is acceptable to use a temporary orifice plate during the construction phase of the project and for it to be replaced by the 13.1 l/s flow control device at construction completion. However, the permanent attenuation tank will need to be installed at the beginning of construction operations otherwise the construction phase run-off following site strip will not be attenuated.

Yorkshire Water have not commented on condition 7.

Officer assessment

Officers concur with, and supported, the assessment made by the LLFA. The submitted details are considered acceptable pursuant to the requirements of condition 7. However, the decision notice should note that the permanent attenuation tank will need to be installed at the beginning of construction operations otherwise the construction phase run-off following site strip will not be attenuated, along with a note of the conditions ongoing requirements.

Condition 9 (Noise)

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*

The applicant has submitted the following:

- Noise Impact Assessment authored by Clover Acoustics dated 10 January 2024 Ref 4824-R2

Consultee response

K. C Environmental Health provided the following comments in their response dated 23/11/2023:

The applicant has submitted a Noise Impact Assessment (the report) authored by Clover Acoustics dated 10 January 2024 Ref 4824-R2. A background noise survey was undertaken on Thursday the 6th of April 2023 from two measurement positions (MPs) as shown in figure 1. The report identifies the nearest noise sensitive receivers as the neighbouring residential dwellings on Northgate to the west of site (MP1) and Scott Lane to the north (MP2). A summary of the findings is given in tables 1a & 1b for MP1 and in tables 2a & 2b for MP2. Subjectively the background sound climate was moderate with consistent road traffic noise from the surrounding area.

Modelling has been conducted with roller shutter doors open and closed with upper limits on internal noise levels given for each scenario. The modelling is based on typical construction and recommends a wall upgrade to units A, C & D as shown in figure 4. Modelling has also been conducted for the HGV deliveries based upon the levels within BS5228-1:2009 and the findings are shown in the tables in section 6 and in figures 5, 6 and 7.

Based upon the findings from the modelling, a BS4142 assessment has been conducted. A penalty of +6dB has been applied to the units for impulsive and intermittent noise and a penalty of +6dB has been applied

for HGV movements for impulsivity. The respective tables indicate a low impact.

The submitted information meets with the requirements of the condition. However, we recommend the condition is not discharged until all of the measures recommended within the Noise Impact Assessment authored by Clover Acoustics dated 10 January 2024 Ref 4824-R2 are implemented and retained thereafter.

Officer assessment

Officers support the assessment of K. C Environmental Health and consider that the submitted detail are acceptable for the requirements of condition 9, so are recommended to be approved. A note of the conditions ongoing requirement is recommended to be included on the decision notice.

Condition 11 (Phase I report)

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*

The applicant has submitted the following:

- Phase 1 Desk Study Site Investigation Report by Geo Investigate, dated June 2023 (ref: G23144 Rev 1)

Consultee response

K. C Environmental Health provided the following comments in their response dated 23/11/2023:

A Phase 1 Desk Study Site Investigation Report by Geo Investigate, dated June 2023 (ref: G23144 Rev 1) has been received in support of the application to discharge Condition 11.

The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the report.

The Phase 1 report assesses the potential source pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site.

We accept the report provided and recommend that Condition 11 is discharged.

Officer assessment

Officers concur with the above assessment and conclude that the submitted details are acceptable for the requirements of condition 11. Condition 11 is therefore recommended for discharge, as it has no ongoing requirement(s).

Condition 12 (Phase II report)

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*

The applicant has submitted the following:

- Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713)

Consultee response

K. C Environmental Health provided the following comments in their response dated 23/11/2023:

A Report on a Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713) has been received in support of the application to discharge Condition 12. The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the report. The report is in a combined Phase 2/Remediation Strategy format. These comments only relate to the Phase II aspect of the report.

We have read the report provided and agree that gas protection measures are necessary at the site. In addition, all data from a previous intrusive investigation at the site, and one undertaken in September 2023 were screened against a commercial end-use. Despite elevated levels, no free product was observed and therefore, the report concluded that the site is not contaminated for the intended end use. We accept this information.

We therefore accept the information provided, and recommend that Condition 12 is discharged. We remind the applicant that any unexpected contamination not identified as part of the investigations to date, must be reported to the LPA as per the requirements of Condition 14.

Officer assessment

Officers concur with the above assessment and conclude that the submitted details are acceptable for the requirements of condition 12. Condition 12 is therefore recommended for discharge, as it has no ongoing requirement(s).

Condition 13 (Remediation Strategy)

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*

The applicant has submitted the following:

- Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713)

Consultee response

K. C Environmental Health provided the following comments in their response dated 23/11/2023:

A Report on a Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713) has been received in support of the application to discharge Condition 13. The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the report. The report is in a combined Phase 2/Remediation Strategy format. These comments only relate to the Phase II aspect of the report.

The remediation strategy proposes the installation of gas protection elements. Specifically, a reinforced cast in situ suspended floor slab and pressure relief pathway to provide a total score of 1.5. The report also provided proposals for fill materials in Section 10.4 of the report. Any fill material, either site-won or imported, to be employed at the site shall be

subjected to assessed to determine its suitability prior to use. The document refers to The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance for clean cover. The document has also provided proposals as to how the remedial measures are to be verified and that a future report must include, evidence that suitable gas protection measures have been implemented and installed.

Having read the report, we consider the proposals to be generally acceptable however the verification report proposals presented in Section 10.5 are somewhat limited in relation to the verification of imported fill materials. We understand that there are to be some softlandscaping areas as part of this development. For the avoidance of doubt, any fill material, either site-won or imported must be confirmed as suitable for the intended end-use and details must be provided in before the site is brought into use and this should be reported to the LPA before the site is brought into use. Further information can be found in the YALPAG Guidance - Verification requirements for cover systems (version 4.1, June 2021). A failure to adhere to best practice guidance may result in delays in discharging the relevant verification condition (Condition 15) associated with previous permission 2022/91730. Nevertheless, the information provided is sufficient to discharge Condition 13.

Officer assessment

Officers concur with K.C. Environmental Health's assessment. The submitted details are considered acceptable for the requirements of condition 13. Condition 13 is therefore, recommended for discharge, as it has no ongoing requirements. However, conditions 14 and 15 will hereby activate, a note of which is recommended to be included on the decision notice. In regards to condition 15, Environmental Health's is also recommended to be included.

Condition 16 (Integral bat box) and Condition 23 (bird boxes)

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.*

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*

The applicant has submitted the following:

- Ecological Design Strategy (Middleton Bell, 16th October 2023)

Consultee response

Within their comments dated 01/12/2023 K.C Ecology provided the following comments:

The information contained within the submitted EDS is extremely concise and provides sufficient information to ensure that provisions for bats and birds is integrated into the design, as such, I support the discharge of conditions 16 and 23.

Officer assessment

Officers concur with the assessment from K.C. Ecology and consider that the submitted details are considered acceptable for the requirements of both conditions 16 and 23. Each is therefore recommended for approval. The condition will be formally discharged on completion of the development in accordance with the approved details.

Condition 22 (Sewer protection)

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*

You have submitted the following:

Consultee response

Yorkshire Water provided the following comments on 10/11/2024:

Yorkshire Water objects to discharge of condition 22.

No evidence of a formal agreement under Section 185 or Section 116 of the Water Industry Act 1991 that the diversion or closure has been submitted. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Yorkshire Water (under Sections 104 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

Yorkshire Water provided the following comments following submission of details, dated 10/05/2024:

Yorkshire Water has no objection to discharge condition 22. The submitted, S116 Sewer Closure Approval Letter dated 09/04/2024 and its attached content (drawing, S116 Sewer Abandonment EWE/2514/03 dated 24/05/2023) is acceptable. In summary, the proposed closure of approximately 140 metre length of 150 mm diameter public combined water sewer at the above site, Under section 116 of the Water Industries Act 1991, is approved.

However, a further update was received from Yorkshire Water on 13/06/2024

*I understand a decision has not been determined about the above application.
Having received further information about the development, I would like to inform you that I withdraw my approval of discharge of condition 22 (no building over sewer) at this stage.*

Officer assessment

It is understood that Yorkshire Water's change in stance came following a public representation being made (detailed above). Given the specific nature of the condition relating to the protection of public water infrastructure, officers deem it reasonable to adhere to the advice offered by Yorkshire Water. Therefore, following the latest objection from Yorkshire Water regarding the S116 sewer closure, condition 22 is unable to be approved and/or discharged at this stage.

Condition 25 (Surface water drainage)

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.

The applicant has submitted the following:

- Drawing Ref: 1816/430, Temporary Drainage Works, Rev - dated Feb 2024
- Drawing Ref: EWE/2514/01, Drainage Layout, Rev G dated 07/12/2023
- Drawing Ref: 2019/2514, Drainage Assessment, Rev E dated 22/09/2023.

Consultee response

The Lead Local Flooding Authority provided the following comments in their consultation response dated 24/11/2023:

*The LLFA confirms that this condition **can be discharged**.*

Officer assessment

Officers support the assessment from the LLFA and conclude that the submitted details are acceptable for the requirements of condition 25. Condition 25 is therefore, recommended for approval, with a note of the condition's requirement recommended to be included on the decision notice.

Summary

The information submitted for conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 23 and 25 can be discharged.

For the reasons given in this report, the details submitted pursuant to condition 22 cannot currently be approved because amended and/or further details are required.

Recommendation: Split Decision

Report Dated: 13/03/2026

Recommended Decision Notice Text

Condition 3 (materials)

You have submitted the following:

- Condition 3 – Materials and colours Rev A – 04/03/2026

I can confirm that the submitted details are acceptable, and are hereby approved, with particular note to the Northgate front elevation(s) and Gable Walls being faced in natural stone, as detailed in the above document. The development shall be constructed in the approved materials and retained thereafter.

Condition 4 (drainage)

You have submitted the following:

- Drawing Ref: 1816/430, Temporary Drainage Works, Rev - dated Feb 2024
- Drawing Ref: EWE/2514/01, Drainage Layout, Rev G dated 07/12/2023
- Drawing Ref: 2019/2514, Drainage Assessment, Rev E dated 22/09/2023.

I can confirm that the submitted details are acceptable and are hereby approved.

However, please be aware that condition 4 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

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.

Condition 5 (CEMP)

You have submitted the following:

- Construction Environmental Management Plan (CEMP) and Construction Management Plan (CMP) Rev. 2 May 2024
- Construction Management Plan. Drawing No – 1816/103

I can confirm that the submitted details are acceptable and are hereby approved. However, be aware of the condition's following ongoing requirement:

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

Further to the above, K.C. Environmental Health have requested that the following be noted:

The applicant is reminded that 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.

Condition 6 (CMP)

You have submitted the following:

- Construction Environmental Management Plan (CEMP) and Construction Management Plan (CMP) Rev2 May 2024
- Construction Management Plan. Drawing No – 1816/103

I can confirm that the submitted details are acceptable and are hereby approved. However, be aware of the condition's following ongoing requirement:

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.

Condition 7 (Temporary drainage)

You have submitted the following:

- Drawing Ref: 1816/430, Temporary Drainage Works, Rev - dated Feb 2024
- Drawing Ref: EWE/2514/01, Drainage Layout, Rev G dated 07/12/2023
- Drawing Ref: 2019/2514, Drainage Assessment, Rev E dated 22/09/2023.
- Agent email to Kirklees Council dated 07/05/2024 regarding condition 7

The submitted details are considered acceptable pursuant to the requirements of condition 7 and are hereby approved. However, be aware of condition 7's ongoing requirement which must be adhered to, to ensure ongoing compliance:

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.

Further to the above, you are reminded that, per the approved details that the permanent attenuation tank will need to be installed at the beginning of construction operations otherwise the construction phase run-off following site strip will not be attenuated.

Condition 9 (Noise)

You have submitted the following:

- Noise Impact Assessment authored by Clover Acoustics dated 10 January 2024 Ref 4824-R2

The submitted details are considered acceptable pursuant to the requirements of condition 9 and are hereby approved. However, be aware of condition 9's ongoing requirement which must be adhered to, to ensure ongoing compliance:

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.

Condition 11 (Phase I report) and Condition 12 (Phase II report)

You have submitted the following pursuant to conditions 11 and 12:

- Phase 1 Desk Study Site Investigation Report by Geo Investigate, dated June 2023 (ref: G23144 Rev 1)
- Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713)

I can confirm that the submitted details are considered acceptable for the requirements of both conditions 11 and 12, and are hereby approved. As neither condition has an ongoing requirement, each is also hereby discharged.

Condition 13 (Remediation Strategy)

You have submitted the following pursuant to condition 13:

- Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713)

The submitted details are considered acceptable for the requirements of condition 13 and are hereby approved. The condition has no ongoing requirements and is discharged. Notwithstanding this, be aware that conditions 14 (remediation implementation and unexpected contamination) and 15 (validation report) of 2022/91730 hereby activate and should be adhered to.

Pursuant to condition 15, be aware that for the avoidance of doubt, any fill material, either site-won or imported must be confirmed as suitable for the intended end-use and details must be provided in before the site is brought into use and this should be reported to the LPA before the site is brought into use.

Condition 16 (Integral bat box) and Condition 23 (bird boxes)

You have submitted the following pursuant to both condition 16 and condition 23:

- Ecological Design Strategy (Middleton Bell, 16th October 2023)

The submitted details are considered acceptable for the requirements of each condition. Each condition will be formally discharged on completion of the development, in accordance with the approved details.

Condition 22 (Sewer protection)

You have submitted the following:

- Sewer abandonment drawing Ref: 240523 Rev 0

Following an objection from Yorkshire Water regarding the S116 sewer closure, condition 22 is unable to be discharged at this stage.

Condition 25 (Surface water drainage)

You have submitted the following:

- Drawing Ref: 1816/430, Temporary Drainage Works, Rev - dated Feb 2024
- Drawing Ref: EWE/2514/01, Drainage Layout, Rev G dated 07/12/2023
- Drawing Ref: 2019/2514, Drainage Assessment, Rev E dated 22/09/2023.

The submitted details are acceptable for the requirements of condition 25 and are hereby approved. The condition will be formally discharged on completion of the development, in accordance with the approved details.