

**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:	2023/62/93782/W
Site Address:	14, Firth Street, Huddersfield, HD1 3BA
Description:	Erection of extensions and alterations to form 16 student apartments
Recommending Officer:	Farzana Tabasum

DECISION – CONDITIONAL FULL 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.

Julia Steadman

AUTHORISED OFFICER

Date: 04/11/2024

OFFICER REPORT

Site description:

The application relates to a two storey stone building occupying a prominent corner plot, on two road frontages (14-18 Firth Street), currently stated to be providing student accommodation in the three dwellings. On the ground floor the building has 3 entrance doors, one off King's Bridge Rd and two off Firth St. Between the doors on Firth Street is a covered walkway with arched head over.

The corner of the building is chamfered on the ground floor before being corbelled out using an enlarged stone head to form a full corner to the first floor. All windows on the building feature stone cills and rounded stone heads. The external doors have full surrounds with a decorative door pediment.

To the rear of the building a lower floor is accessed via the covered underpass off Firth Street, with access also available from the underpass next door to the west.

The building has a high level eaves cornice which carries the guttering. The roof consists of blue slate.

Waste bins serving these properties currently appear to be stored on the road frontage, on the footpaths.

The building is adjoining three and four storey neighbouring buildings and overlooks a four storey building on the opposite side of Kings Bridge Road and a five storey opposite on Firth Street.

The surrounding development consists of mainly student accommodation.

Description of Proposal:

The proposals are to extend the existing building with the addition of two additional upper floors and conversion of the three dwellings, into sixteen student bedsits. The submitted plans indicate:

- one unit on the lower ground floor. With access from the rear through the passageway and also onto ground floor level,
- three units on the ground floor, all of which would have direct access onto the street from this level,
- four units on the first, second and third floors, all of which have shared access from the ground floor level onto the street as well to the waste bin storage areas to the rear of the building, and
- a communal kitchen area, sitting area and laundry room shown on the lower ground floor.

The external appearance will be of a four storey flat roofed building. The existing two floors are externally faced in natural stone. This is to be retained. The new upper floors will be constructed using natural stone, glazing and

metal cladding to match adjoining neighbouring building on King's Bridge Road.

Waste bins storage is shown to the rear of the building with access through the passageway, as shown on drawing ref: (100)08.

Relevant Planning History

Whilst the application has no relevant history, the surrounding area benefits from a number of buildings/sites where planning permission has been granted for conversion /change of uses, to student accommodation or apartments.

History of Negotiations

Additional details, including a Bat survey, management/storage of waste bin details, amendments to the design and external appearance of the proposed extensions, along with amendments to the facing materials were requested during the course of the application.

The applicant was also advised to serve appropriate notice to the owners of the passageway as the proposals would need to gain access through the passageway for presenting the waste bins for collection days and potentially for other reasons. Serving of notice was carried out during the course of the application.

Representations

The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

Final publicity date expired: 05/04/2024.

No representations are received in response to the proposal.

Consultation Responses

K.C. Highways DM – support subject to conditions

K.C Environmental Health - support subject to conditions

K.C Ecology unit – no objections, subject to suggested condition

K.C Lead Local Flood Authority – support. Recommends an evacuation plan be provided for the basement accommodation

K.C Waste Strategy – recommends a condition for the management and maintenance of refuse storage area and use of appropriately sized bins to serve the development

K.C Housing - No affordable housing is sought from this proposed development, due to it being student accommodation,

WY Police Designing Out Crime Officer - due to the high crime rates in this location, it is requested that a planning condition for security measures be imposed and general advice for the applicant is provided.

Planning Policy

Kirklees Local Plan (KLP)

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 unallocated on the LP Policies Map and adjacent to a number of listed buildings along Firth Street.

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7- Efficient and effective use of land and buildings

LP11- Housing mix and affordable housing

LP20 – Sustainable travel

LP21 – Highway safety and access

LP22 – Parking

LP24 – Design

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP35 – Historic environment

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

Neighbourhood Planning

The site does not fall within a Neighbourhood Area.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2023, and 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 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Urban design & visual amenity (including heritage setting)
- 2) Impact on residential amenity (including noise)
- 3) Impact on highway safety
- 4) Drainage and flood risk

- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: “...*the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.*”

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, as set out in the four sub-area statement boxes...*”

Housing delivery

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (the “pass” threshold is 75%).

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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, or pass the HDT, weighs in favour of housing development, however this has to be balanced against any adverse impacts of granting permission for a proposal.

In this instance, the site is unallocated on the Kirklees Local Plan.

Furthermore, Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is for the conversion and extension of an existing building and therefore Policy LP7 is relevant.

Amongst other things, Policy LP7 relates to ensuring the "*efficient and effective use of land and buildings* and encourages the reuse or adaptation of vacant or underused properties", particularly those in sustainable locations, which this building would wholly comply with.

Policy LP11 of the Kirklees Local Plan requires that:

"All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need".

In terms of housing mix, Policy LP11 expects proposals of over 10 units to include a mixture of unit sizes, as set out within the Council's Affordable Housing SPD. In this case all 16 units are proposed to be student accommodation, built to target a specific group, this is considered acceptable particularly given the location, so close to the town centre and the university.

The student accommodation would be provided in a sustainable location within close proximity to the university, and in an area where there is a likely demand for such accommodation. In summary, the proposals to provide for student accommodation is considered to be an effective and efficient use of land and the principle of student accommodation is acceptable. The scheme would comply with the above policies.

2 – Urban design and impact on visual amenity (including heritage setting):

Chapter 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and National Design Guide.

Policy LP24 sets out that "Good design should be at the core of all proposals in the district ..." and that proposal should promote good design by ensuring "the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape".

The existing building occupies a prominent corner position along two road frontages.

The architectural form and overall appearance of the building is typical for its age.

The site is relatively constrained due to its proximity to neighbouring properties and the relationship with First Street and King's Bridge Road. The

proposed layout works within the constraints of the existing site to maximise the site's potential.

Other than some minor external alterations, the proposals would largely to retain the ground and first floor external appearance as existing. The design of the proposed two storey extension has been revised taking into account officer's comments and would be finished in standing seam cladding, stone and large elongated glazed areas. Notwithstanding the submitted details, it is necessary to condition for details of external facing materials to be approved, in the interests of visual amenity and so as not to detract from the setting of nearby Heritage assets.

The scale and height of the extended building would still appear subservient to the immediately adjoining buildings and those on the opposite side of the roads. The tallest point of the building sits below the ridges of the surrounding warehouses. The massing of the building has been designed to reflect the local vernacular and is considered would be in keeping with the area.

The proposals in terms of design, scale and materials would be acceptable in the context of this site and subject to the use of appropriate materials (to be conditioned) would not detract from the visual amenity of the area.

Heritage setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it holds. Also of relevance is Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

The application site is in close proximity to a group of grade II listed buildings, to the north, along Firth Street. These group of former industrial buildings are highly significant and form an important part of the narrative of Huddersfield's industrial history, which appear to have been sensitively refurbished over time.

The proposal sees the refurbishment and addition of two floors to an existing building. The building sits within an urban block, in direct view of the listed building groups. The proposed development would not affect the historic fabric of any of the identified heritage assets, as the building is detached. Nonetheless, due regard must be given to their setting.

The scale of the proposal responds modestly and appears subservient to the large nature of the existing surrounding buildings listed buildings. The provision of a two storey extension, to the existing building, in the design and scale proposed is considered would not detract from the historic narrative of these former industrial buildings, nor would it detract from their significance or setting. The proposals would result in a public benefit, by promoting a well-designed attractive and modernised building that is currently underused, being brought into use within a sustainable location. The proposals would

have negligible impact on this heritage assets and as such the scheme is considered to comply with Policy LP35 of the Local Plan policies, guidance within the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 - Impact on residential amenity (including Noise):

A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the KLP. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Taking into account the direct relationship and distance from second and third floor openings to the openings on the buildings, on the opposite side, of the two roads, this will be no less or more than the existing relationship of the ground and first floor openings with these buildings. Therefore, the proposals will maintain an acceptable distance and ensure the proposals would provide adequate privacy without any significant overlooking concerns for the future occupants of the proposals and existing nearby residents.

With regards to natural light, each unit would benefit from at least one window opening, providing outlook and some natural light. All occupants would have access to the shared communal living room and separate kitchen on lower ground floor.

Turning to the internal space, each unit would provide for at least 19m² and contain a small en-suite and a small living kitchen area with a study space. Whilst the rooms are below the nationally described minimum space standard of 37m² it is widely acknowledged that student term-time accommodation such as this is not a primary residence, where nationally described space standards are applicable.

Noise

With respect to noise, Environmental Health have considered the submitted noise report and make the following comments:

“An Acoustic Report by S&D Garritt Ltd. (dated: 05 December 2023) has been submitted. An attended noise survey was undertaken between 1400hrs and 1800hrs on the 22nd of November, between 2200hrs and 0015hrs on the 23rd of November and between 0550hrs and 1315hrs on the 1st of December 2023 and a summary of the findings is given in the tables in para 4.1. Comment is made on the fixed mechanical plant serving the neighbouring properties which include a convenience store and a takeaway business with the report stating the dominant sound source at all times was road traffic.

A BS4142 assessment concludes there would be no adverse impact on residential amenity from the identified fixed mechanical plant during both daytime and nighttime and this is accepted.

In order to meet with the internal requirements of BS8233, a specification for construction, glazing and ventilation is given. For the First and Second Floor Facing Firth Street and B6432/Kings Bridge Road, two options are given (Alternative 1 & 2). BS8233 requires internal levels for both daytime and nighttime to meet with those stated in para 2.2 and good acoustic design guidance should be used to ensure there is no loss of amenity to the occupiers. The report states the regularity of compliance with the short duration peak criteria of the lower specification Alternative 1 will clearly depend on the peaks from traffic passages in any individual time period at night. Along with this reasoning, we do not accept the context of the site being used for student housing and not permanently residing families and therefore, we would expect the higher specification Alternative 2 to be implemented.”

Subject to an appropriately worded condition which sets out that the development is completed in accordance with the specifications set out in ‘Alternative 2’ of the noise report, prior to occupation of any of the apartments, the proposals are not considered would protect the amenity of future residents from external noises and would comply with the relevant objectives of the Local Plan Policies LP24 and LP52 as well as guidance in the NPPF.

4 – Impact on highway safety:

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

KC Highways Development Management (HDM) have assessed the proposals and provided a detailed response dated 17/05/2024. Overall, the proposals are considered acceptable and HDM officers do not consider the site/proposals would generate sufficient trips as to have a severe impact on the operation and efficiency of the local highway network. Due to the type and sustainable location of the proposals HDM would accept there is no significant need for parking to be associated with the development and none is shown on the supplied drawings. However, in the interests of highway safety, HDM recommend a condition that limits occupants to full time students for the lifetime of the development.

KC HDM has also advised that a condition be imposed for the provision of safe and secure cycle storage for 16 cycles, one for each unit, to be provided at the site. Nonetheless, having considered the space associated within the application red line and the proposed layout, the provision of safe and secure cycle storage for all units is unlikely to be achieved, as such it would not be appropriate to impose a condition that could not be achieved.

With regard to bin storage, this is shown to be provided within a small, enclosed area to the rear of the building, with collection access being through an underpass to Firth Street, where collection will be made from the adopted highway. The location of the bin store could result in access being impeded by

parked cars between the bin store and highway. However, this is acceptable by both KC HDM and KC Waste Storage, subject to the appropriate management of waste bins on collection days. Details of such a management scheme (by a private management company) would need to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the apartments.

For details of size and number of bins, Kirklees Waste Strategy team, has advised that student apartments have the potential to generate large quantities of waste. To reflect this, it is preferable to have storage for 2880ltrs of waste. This would be possible with the use of three 1100ltrs wheelie bins. The proposed store on the plan shows bins of approximately 1300mm x 860mm. There does appear to be sufficient space within the store to accommodate 1100ltrs bins rather than 660ltrs and the gate width of 1.54m will allow passage of wheelie bins. Again, this can be conditioned as suggested by the Waste Strategy team.

There is limited external space associated with the site. In the interests of highway safety, and in line with KC HDM request, it is considered appropriate and necessary to condition for details to be submitted and approved under a construction access management plan, prior to the commencement of constructions works.

With respect to bin storage, the proposals would be an improvement to the current situation, whereby bins would be removed from the public footway along the two road frontages. The proposed bin store, to the rear does not appear to be located under apartment windows. Overall, the proposals, subject to the above suggested conditions would comply with Local Plan Policies LP21 and LP24 as well as guidance in the NPPF.

5 - Drainage and flood risk:

Policy LP27 of the Local Plan relates to flood risk. Also of relevance is Policy LP28 which requires surface water issues need to be addressed in terms of existing surface water and potential increases to run-off resulting from the development. This is consistent with guidance at Section 14 of the NPPF. The application is accompanied by a flood risk assessment and a drainage strategy, which identifies the building/site being within a Flood Zone 2.

The Council's Lead Local Flood Authority (LLFA), has assessed the submitted details and advises that there is no increase in drained area and the existing surface water drainage will be used.

The main issues raised by the LLFA is that one of the flats will be below road level on the lower ground and as such it is advised that a specific Evacuation Plan for the occupant of this flat is produced in the event of floodwater entering the flat due to heavy rain or high river levels. This can be conditioned

6 - Other matters:

Ecology

Local Plan Policy LP30 requires that planning decisions protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The initial bat roost assessment accompanying the application concluded the site providing features with low bat roost suitability. Consequently, in line with guidance, a single nocturnal survey was recommended to ascertain the status of roosting and a bat emergence survey was received during the course of the application. The survey demonstrated the unlikely presence of roosting bats within the surveyed building and as such, the proposed works present little risk of impacting upon bats or their roosts.

KC Ecology are in support of the proposals subject to the provisions of two integral bat boxes to accord with Local Plan Policy LP30 and the NPPF, details of which shall need to be submitted and approved before completion of the second and third floor extension. This matter can be addressed by an appropriately worded condition.

Security measures as recommended by WY Police

The West Yorkshire Police Designing Out Crime Officer advised that due to the high crime rates in this location, a condition be imposed to ensure security measures are incorporated into the proposals. In addition, some general advice is offered on a number of elements which should be considered during the construction phase. As such an appropriate condition/footnote would be included on the decision notice, to bring to the attention of the applicant the general advice of the WY Designing Out Crime Officer.

Contaminated land issues

The application is accompanied with a Phase1 Geo-environmental Report. Environmental Health on assessment of the report advise that:

“The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s. The conceptual site model has identified current and likely future receptors, potential sources of contamination and likely pathways. Based on the information in the risk assessment the site is considered to provide a low environmental risk. The report concludes that although most of the alterations to the proposed development will be internal, there is a risk of ground gas due to the alluvium below the site. It recommends internal gas monitoring of the existing

basement as this is proposed for living space, and that the basement is tanked to prevent ingress of potentially contaminated groundwater”.

Environmental Health accept the findings of this report and consider it necessary to impose a suite of contaminated land conditions, to include for the submission of a Phase 2 report, a remediation strategy, implementing remediation measures, and a validation report. The imposition of these conditions would ensure the matter of contamination would be addressed in accordance with Policy LP53 of the Local Plan and Chapter 11 of the NPPF.

7 – Representations:

No representations are received in response to the proposal.

8 – Conclusion:

The proposal would result in modernising and extending an existing building within a sustainable location, offering student accommodation in close proximity to the university of Huddersfield. Subject to the suggested conditions, the proposals would provide a good standard of living accommodation without compromising the amenities of existing nearby residents or the future occupants of the proposals.

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

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

Recommendation: Approve

Application Number: 2023/93782

Decision Authorisation: Delegated Powers

Officer Recommendation: Conditional Full Permission

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and

to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The accommodation hereby permitted shall be occupied by students only, defined as persons whose main residence is elsewhere and who are enrolled on recognised full-time courses at one of the higher educational establishments in the borough of Kirklees only and for no other purpose (including any other purpose in Class C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that order with or without modification).

Reason: So as to ensure that the development is used solely for student accommodation and not open-market housing whereby affordable housing provision would be sought and different amenity standards would apply, and in the interest of highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

4. Prior to construction of the second and third floor extension and notwithstanding the submitted information, full details of all new external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials prior to the first occupation of student accommodation hereby approved and shall thereafter be retained.

Reason: In the interests of the visual amenity and so as not to detract from the setting of nearby heritage assets, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Before the development hereby approved is first brought into use works which form part of the sound attenuation scheme, specifically 'Alternative 2', of the Acoustic Report (dated: 05 December 2023) shall be completed, and

- written evidence to demonstrate that the works have been completed in accordance with these details shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels in accordance with 'Alternative 2' specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The completed works shall thereafter be retained for the lifetime of the development.

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.

6. Notwithstanding the submitted details and before the development hereby approved is first brought into use, details of the management and maintenance of communal refuse storage area (as shown on drawing no. (100) 08), by a designated private management company, to accommodate for 2880ltrs waste capacity or more shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved waste management and maintenance details shall be adhered to throughout the lifetime of the development.

Reason: To ensure an adequate level of waste capacity storage is provided to accommodate the approved development, in the interests of residential amenity and highway safety and to accord with Kirklees Local Plan Policies LP21 and LP24 and the aims of the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved (including internal ground works), a Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- the point of access for construction traffic,
- details of the times of use of the access
- the numbers and size of vehicles expected to access the site,
- the routing of construction traffic to and from the site,
- construction workers and delivery parking facilities,
- the location of materials storage and site facilities,
- the use of traffic management/banksman for large deliveries, and the
- provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway.

The development shall be carried out strictly in accordance with the CTMP so approved throughout the period of construction and no change there from shall take place without the prior written consent of the Local Planning Authority

Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety,

and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

8. 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 Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Kirklees Local Plan LP52 and the National Planning Policy Framework.

9. 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (9) 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (10). 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework

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

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework

13. Prior to construction of the second and third floor extension, details of all security measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details, prior to the occupation of any of part of the approved accommodation.

Reason: To prevent crime prevention and in the interests of safety for the future occupants of the approved development, to accord with Kirklees Local Plan Policy LP24 and the National Planning Policy Framework.

14. Prior to construction of the second and third floor extension, a plan detailing the positioning, location and specification of two integral bat boxes (PRO UK Build-in WoodStone Bat Boxes, Vivara Pro Build-in Woodstone Bat Tubes, or suitable alternative) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed installing the bat boxes in accordance with the approved details, prior to the occupation of any of part of the approved accommodation and thereafter retained in accordance with the approved details.

Reason: In the interests of enhancing biodiversity, to accord with Kirklees Local Plan LP30 and the National Planning Policy Framework.

15. Prior to occupation of the approved development a flood evacuation plan for all occupants, particularly the occupants of the lower ground apartment shall be shared with any future occupants.

Reason: For safe evacuation of any future occupants accommodating and using the lower ground floor, in the event of floodwater entering the site and to accord with Kirklees Local Plan Policy LP24 and the National Planning Policy Framework.

Footnote - Contaminated land:

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

Footnote - Construction Sites working times:

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.

Footnote - Highways Structures:

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Farhad Khatibi (structures team leader 01484 221000) at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

Footnote - adopted highway fronting the property:

Any works within the adopted highway fronting the property will need to be constructed under the correct legal agreement of the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Footnote - Designing Out Crime:

Please refer to the West Yorkshire Police Designing Out Crime Officer advice dated 11/04/2024, to ensure appropriate security measures are incorporated into the development

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	LOC		22/12/2023
Topographical survey	MC_48.dwg		22/12/2023
Existing elevations	2854-A(100)04		22/12/2023

Plan Type	Reference	Version	Date Received
Existing lower ground floor	2854-A(100)01		05/01/2024
Existing ground floor	2854-A(100)02		05/01/2024
Existing first floor	2854-A(100)03 -		05/01/2024
Proposed site plan & refuse provision	(100)08		23/02/2024
Revised proposed elevations	(100)07	A	13/05/2024
Revised proposed floor plans	(100)05	A	13/05/2024
Revised design and access statement & Heritage impact Assessment		A	18/06/2024
Planning statement	2844		22/12/2023
Bat Emergence Survey Report	ER-7104-02, dated 16/05/2024		16/05/2024
Bat Roost Suitability Assessment	ER-7104-01, dated 13/11/2023		22/12/2023
Acoustic report	Dated 05/12/2023		22/12/2023
Flood Risk Assessment and Drainage Strategy	B25558-JNP-XX-XX-RP-C-1002 P01		22/12/2023
Climate change statement			22/12/2023
Phase I Geo-Environmental Report, V1 to V5	B25558-JNP-XX-XX-RP-G-1001 P01		22/12/2023

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant/agent to secure further details relating to a number of matters and revised drawings along with evidence of serving notice to a third party during the course of the application.

Report Dated: 04/11/2024