KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2024/70/90525/E**
Site Address:	St Peters Ce Va Junior Infant and Early Years School, Field Head Lane, Birstall, Batley, WF17 9HN
Description:	Variation of condition 24 (noise impact assessment) on previous permission 2023/91092 for demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park, children's play areas and associated landscaping
Recommending Officer:	Nick Hirst

DECISION – Variation Of Condition- Granted

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

David Wordsworth

AUTHORISED OFFICER

Date: 23-Apr-2024

Application: 2024/70/90525/E

Site: St Peters Ce Va Junior Infant and Early Years School, Field Head Lane, Birstall, Batley, WF17 9HN

Proposal: Variation of condition 24 (noise impact assessment) on previous permission 2023/91092 for demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park, children's play areas and associated landscaping

Site Description

St Peters C Of E Junior, Infant and Early Years School is located north-west of the centre of Birstall in a predominantly residential area. The topography of the area generally falls downwards from east to west.

The application site has an irregular, roughly rectangular, shape. Nova Lane runs along the site's north-east boundary, on a higher ground level. Residential properties are located all around the site, with residential properties accessed from Nova Lane, Kings Drive and Middlegate being on the north, west, and south boundaries respectively. The residential properties are largely on a lower ground level than the application site.

There is woodland within the site, being situated around most of the site's boundary (north, west, and south) with the only break being to the east at the access from Middlegate road. Within the site, the school building, and ancillary functions (play area, parking, caretaker's house) are all located in the southeast half. The north-west half of the site, outside of the tree-belt, was historically a grassed play area however since the granting of permission 2023/91092 development has commenced on a new school building in that area.

The main school building is part two-storey, part single storey brick-built school building with a flat roof. It has a floor area of 1,454sqm. The school provides education for children aged 3 to 11. The school has a capacity for 210 pupils for ages 4 to 11 years and 26 (full time equivariant) nursery places.

The existing school opening hours are as follows:

- 0745 Gates Open
- 0845 Registration
- 1500 Nursery Day Ends
- 1515 School Day Ends

There are ten parking spaces on site and one disabled bay, however there is no vehicular drop off/pick up facility within the school grounds. The car park is for staff use only. For safety reasons, the vehicular access gate is closed

between 0825 and 0900 and again between 1455 and 1530. Children, other than those attending breakfast club, arrive at the school from 0830 onwards. The children currently all arrive on foot or by car. The applicant states: The numbers of children arriving on foot is split evenly between the two pedestrian access points. Many cars dropping students off park along either Middlegate or King's Drive.

The school is located adjacent to the Birstall Conservation Area and directly south of New Hall and The Barn, Grade II Listed buildings.

Description of Proposal

Permission is sought to vary condition 24, which is as follows:

> *24. Between 10 and 12 months after the hereby approved school is brought into use, an updated Noise Impact Assessment shall be submitted to the Local Planning Authority. The updated Noise Impact Assessment shall consider the operational impacts of the Nursery / Early Years play area, as shown on plan ref. 'SRP1088-ITR-XX-00-DR-L-0003 Rev. P07', upon residents of properties adjacent to the site. The document shall consider whether further mitigation measures, either physical or operational, are necessary to manage any identified noise pollution. Following the approval in writing by the LPA of the updated Noise Impact Assessment, any approved noise mitigation measures therein shall be installed within 3 months of that approval and shall thereafter be retained. In the circumstance that approval of the updated Noise Impact Assessment is refused, a revised Noise Impact Assessment [addressing the Local Planning Authority's concerns] shall be submitted to the LPA within three months of the refusal for further assessment in accordance with the provisions outlined above.*
> ***Reason**: In the interest of protecting the amenity of neighbouring residents from undue noise pollution, while giving flexibility to the applicant to attempt to demonstrate the proposed management measures would be effective. To comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.*

The proposal seeks to vary the above condition, to a condition requiring adherence to a Noise Management Strategy submitted with this application. The applicant proposes the following new wording for condition 24:

> 24. The use of the approved outdoor play area for reception and early years children shall operate in accordance with the noise mitigation measures contained in the Noise Management Plan by Robert Halstead Chartered Surveyors & Town Planners dated February 2024, and shall thereafter be retained.
> **Reason**: In the interest of protecting the amenity of neighbouring residents from undue noise pollution, in accordance with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

Relevant Planning History

Application Site

2000/93203: Erection of classroom extension – Granted

2014/91679: Erection of single storey extension – Granted

2017/92004: Change of use from Caretaker's bungalow to educational use (within a Conservation Area) – Granted

2023/91092: Demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park, children's play areas and associated landscaping – Granted

Surrounding Area

Various applications relating to householder extensions, listed building consents and works to trees within a Conservation Area. None are deemed relevant to the current proposal.

History of Negotiations

None required.

Representations

Final publicity date expired: 06.04.2024

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

In total, 1 public representation was received in response to the proposal. The following is a summary of the comment received:

- Concerns over the proximity of a new school close to dwellings on Nova Lane, specifically the noise it would produce from children at play. This will harm their amenity and ability to work at home. Question whether acoustic fencing will be installed and whether it would prevent school children climbing the site's boundary wall directly onto Nova Lane.
- The school would result in a loss of a view from Nova Lane dwellings and affect the value of properties on the road.

Consultation Responses

Statutory

None

Non-Statutory

K.C. Environmental Health: No objection to the proposed variation, subject to the new Noise Management Plan being secured via condition.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (KLP)

The application site is Urban Green Space (UG308) in the Kirklees Local Plan. The site is mostly outside of the Birstall Conservation Area, with the exemption of the caretaker's bungalow that is within the CA. The CA's boundary runs along the site's shared boundary with Nova Lane and Middlegate, and the residential properties the Old Vicarage and The New Vicarage to the east.

Relevant Local Plan policies (to the variation sought) are:

- **LP1** – Presumption in favour of sustainable development
- **LP24** – Design
- **LP52** – Protection and improvement of environmental quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, 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. The sections relevant to this application are:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural 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

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the 'Determination of applications to develop land without compliance with conditions previously attached'. In addition to removing conditions, S73 enables the varying of a condition's wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

In terms of policy, the original application 2023/91092 was assessed against the Local Plan (2019), which remains the development plan and therefore the assessment criteria will be consistent. There has been no change in the Local Plan or NPPF which would materially affect the assessment of the proposal. Regarding the local context, there has been no changes in the environment (including built and natural) which would impact on the assessment of the application.

Considering the above, consideration must principally be given to the specific changes proposed and their interaction with adopted planning policy.

<u>Variation of condition 24 (Noise Impact Assessment)</u>

The following is the assessment undertaken during 2023/91092 which informed the need for condition 24 as originally drafted:

10.76 A school would be considered a potential noise pollutant, attributed to children at play. However, it must be acknowledged that the site is an existing school and therefore, for parts of the site at least, there would be no material change in circumstances or a reduction in noise. This includes the southern portion of the site, which currently hosts outdoor play and would remain so. The northern part of the site, being grassed, hosts infrequent PE use but is now proposed as the main nursery and reception play area. For this nursery and reception play area it has been identified that, in the worst-case scenario, proposed typical playground sound levels may be expected to be up to 10dB higher than existing typical playground sound levels at the nearest noise sensitive receptors. A 10dB level above background is considered by guidance to 'likely be an indication of a significant adverse impact'. Officers asked the applicant to consider methods to manage and/or mitigate the noise impact.

10.77 The applicant gave regard to an acoustic fence. Various locations for the fence were considered, including along the schools' frontage, within the woodland or upon the boundary with neighbouring properties: these were discounted due to impacts on the woodland, use of the school and/or the amenity of neighbours. The applicant confirmed that, to achieve the required noise mitigation, a 3.0m high acoustic fence would be needed around the nursery play area. However, this too was deemed undesirable, with the applicant commenting: Overall, we believe that the proposal to enclose the Early Years / reception play area with a 3-metre acoustic fence to reduce noise for neighbouring properties would greatly reduce the value of the Early Years / reception play area. This space is such an important facility in the development of these young people's education and it needs to be designed as such. It provides fresh air and outdoor space with a direct connection to the surrounding nature, something that this site is fortunate to have in abundance. The appreciation and enhancement of natural areas, and the health and wellbeing link we increasingly acknowledge these areas to have is a key priority on most new build schemes and for most local authorities. The design team have worked hard to retain the existing trees and vegetation and integrate the proposed school into these areas.

10.78 Officers do not disagree with the above, and conclude surrounding a nursery play area with 3.0m high fencing would not be conductive to a healthy and attractive play environment to young children. As physical mitigation measures are undesirable, consideration was given to management measures.

10.79 The applicant raises that the 10db raise is 'worst case scenario', and likely to typically be lower. They also note that the use would be limited

to school times (0835 – 1500), and only certain controlled times within the day. These are:

- *0930 – 1000 Structured Play*
- *1020 – 1055 Structured Play*
- *1200 – 1230 Lunch Time*
- *1330 – 1430 Structured Play*

The above are subject to weather and the majority of the above are 'structured play', which the applicant defines as: It should be noted that structured outdoor play is very different from normal play times. Firstly, the numbers of children outside at any one time is smaller than during normal lunch time play when more children are outside. Secondly, the type of play is structured and fully supervised by adults at all times. The activities involved in the structured play and the numbers of children participating in the activities would result in much lower noise levels than during normal play times. Essentially, the outside areas used during the structured play are more akin to an outdoor classroom rather than a 'playground'.

10.80 Preventing any outdoor play in the north of the site is impracticable and it is undesirable to have nursery / reception children with or near older children. Therefore, an alternative location for the play area is not feasible. Ultimately a balanced decision must be reached on this issue, weighing the proposal's benefits to children vs the potential impacts to residents.

10.81 The benefits of good outdoor facilities to children are important and, as per the NPPF, great weight should be given to supporting education facilities. In regard to the impact on neighbours, it has the potential to result in harm, although the harm would be during limited windows during school time and the work week only. Officers propose a condition which allows the school to operate for 12 months without dedicated physical mitigation measures. This is to demonstrate whether their source management measures are successful. If, after the 12 months, complaints and/or issues of nuisance have been identified then a further scheme of mitigation measures (which may or may not require acoustic fencing) would be sought. Officers consider this condition to be a reasonable compromise, balancing the needs of education and the children alongside reasonable protection for residents.

This application is now supported by a detailed Noise Management Strategy that was not available during the previous assessment. The applicant has stated that it has been drafted following new information coming to light regarding the operation of the early years / reception play area of the new school. This means that further mitigation measures are now available compared to during the original application's assessment. The applicant has also cited the need (in their perspective) to change from the current condition,

which has several variables, to an agreed strategy to '*remove uncertainty with regard to the future operation of the play area, and in terms of potential costs to the school over and above those costs already budgeted for in connection with the existing project'*.

The following is a summary (provided by the applicant) of the Noise Management Strategy and its provisions:

> *1) The operational dates of the school generally would be restricted to 190 days (52% of the year). Typically, these numbers of days are reduced (in respect of the outdoor sessions) if the weather is too cold, too hot, too wet, or too icy; or if there are events on in the school. Bikeability classes are also attended by some of the children for 3 days per year.*
>
> *2) Structured outdoor play would comprise only 1.5 hours in total each day, with a maximum of 25 of the total number of pupils (55). Structured outdoor play is very different from normal play times. This type of play is structured and fully supervised by adults at all times. The activities involved in the structured play would result in much lower noise levels than during normal play times. These structured play sessions are more akin to an outdoor classroom rather than a 'playground'. They are planned learning experiences that have an objective - making things, learning, structured conversations etc - i.e. the same as educational experiences inside the building.*
>
> *3) With regard to structured play, it is also important to emphasise that the numbers indicated are maximum numbers at any one time (not minimum numbers). Structured play is actually mostly inside, but there is a free-flowing element to the outdoor areas.*
>
> *4) Lunch (general) play sessions are limited to half an hour per day, and importantly (and different from previously reported), all reception pupils will now play in the main playground with the older children at lunchtimes. This means that there would only be a maximum of 13 nursery pupils playing outside during these half-hour lunch time sessions (i.e. 24% of the total pupils). During lunchtime play there are 3 supervising adults at all times. Children are not allowed to make excessive noise and are disciplined if they do. This is particularly important as the outdoor play areas will be directly underneath classes taking place for older children.*
>
> *5) The table provided within the NMP details the maximum numbers outside at any one time during the above sessions.*

The submitted details have been reviewed by planning officers as well as K.C. Environmental Health, who have stated:

> *In our comments dated 28 April 2023 under previous permission 2023/91092, we recommended a condition for a further/addendum*

report based upon the findings of the submitted Acoustic Planning Report by Lighthouse Acoustics (Ref 1015/APR1 Revision 1) (dated: 27 March 2023). The submitted report modelled the likely noise and the impact upon neighbouring noise sensitive receptors to the north west of the site. The modelling was based upon a worst case scenario and indicated a significant impact.

The submitted information states any physical measures i.e. acoustic barrier would not be conducive to the learning environment for the children and this is accepted with reference being made to comments within the submitted committee report in support of this. The accompanying Noise Management plan outlines a number of operational measures supported by statistics indicating noise from the school can be managed without the need for any physical measures.

We are happy to accept the Noise Management Plan in lieu of a Noise Impact Assessment and agree to the variation.

Planning officers agree with K.C. Environmental Health's assessment. It is considered that the submitted Noise Management Strategy alleviates many of the fears expressed as part of the original application. The use of the outdoor area may cause high noise levels during periods of play; however, would be an infrequent (both in terms of frequency and length of noise) worse-case scenario. Furthermore, the relevant area of the site would principally be used for managed structured play, with reception children now being accommodated elsewhere during lunch time that accommodates general play. Nursery children in the sensitive area would be limited to 13.

Based on these factors, and subject to the development operating in accordance with the stipulations of the submitted Noise Management Strategy, securable via condition, there officers are satisfied that there would be no undue noise pollution. As such, officers are supportive of amending condition 24 from the currently approved version to that proposed by the applicant. This is with the addition of a plan reference which clear denotes which area that the condition relates to, for precision.

<u>Previous conditions</u>

As this is an application under S73 of TCPA 1990 it will in effect be a new permission. The Planning Practice Guidance confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

Application 2023/91092 was granted with 26 conditions. Development has commenced so original condition 1 (time limit to commence) is not required and may be removed. All other conditions remain pertinent and are to be retained. While several have been discharged via separate Discharge of Condition applications, in the interest of consistency and expediency they are

to be repeated as originally imposed alongside a note relating to the previously submitted information, via DOC application, remaining relevant.

Application 2023/91092 was not subject to a S106, therefore a S106 Deed of Variation is not required.

Representations

- Concerns over the proximity of a new school close to dwellings on Nova Lane, specifically the noise it would produce from children at play. This will harm their amenity and ability to work at home. Question whether acoustic fencing will be installed and whether it would prevent school children climbing the site's boundary wall directly onto Nova Lane.

Response: The impact of noise and amenity has been considered in the above report.

- The school would result in a loss of a view from Nova Lane dwellings and affect the value of properties on the road.

Response: These do not form material planning considerations, nor are they applicable to the subject of this variation of condition application.

Conclusion

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

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

Recommendation: Approve

Report Dated: 18.04.2024.

Application Number: 2024/90525
Decision Authorisation: Delegated Powers
Officer Recommendation: Approve Variation of Condition.

Conditions and Reasons

Note: The applicant is advised that the following conditions were originally imposed by planning permission 2023/91092, bar condition 24 (i.e., those conditions that have not been sought for variation as part of this application). They are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the above conditions, in accordance with 2023/91092's corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not necessary.

1. Condition removed.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The development shall be undertaken in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement reference AWA5528AMS by AWA Tree Consultants. These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. Pursuant to the requirements of condition 17, the 'F2 - Fence Type 2' fencing as shown on plan ref. "SRP1088-ITR-XX-00-DR-L0102 rev. P09" shall be installed in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.
Reason: 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.

5. The removal of vegetation shall be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist shall be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or disturbance to the resident birds must cease until the young have fledged.
Reason: In the interests of preserving the biodiversity of the site, in accordance with
Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to development commencing (including demolition, ground works, vegetation clearance), a phasing strategy for the delivery of the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include, but shall not necessarily be limited to:

- Identifying the proposed buildout phases;
- The implementation of the surface water drainage strategy, as indicatively detailed within the document titled 'Drainage Strategy', ref. 20226004 rev. V1.12. The surface water drainage features as so implemented shall thereafter be retained;
- The phases of the temporary surface water arrangements during the construction phase, as indicatively detailed within the document titled 'Drainage Strategy', ref. 20226004 rev. V1.12;
- The timing of the completion of the site's on-site turning facility, as shown on plan ref. SRP1088-ITR-XX-00-SK-L-1002 Rev. P01, notwithstanding details shown on other approved plans. The on-site turning facility as so implemented shall thereafter be retained; and
- Erection of the on-site fencing in accordance with the details shown on plans ref. 'SRP1088-ITR-XX-00-DR-L-0101 rev. P09' and 'SRP1088-ITR-XX-00-DR-L-0102 rev. P09'. The on-site fencing as so implemented shall thereafter be retained.

The development shall thereafter be implemented in accordance with the approved phasing plan.
Reason: To define the phases of the development's delivery and the provision of key infrastructure on site, in accordance with the aims and objectives of Policies LP21 and LP24 of the Kirklees Local Plan.
This pre-commencement is necessary to ensure due regard is given to the appropriate delivery and arrangement of facilities, given the identified phasing requirements of the proposal.

7. Prior to development commencing (including demolition, ground works, vegetation clearance), a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include appropriate provisioning for each phase of development approved pursuant to condition 6. The CEMP (Biodiversity) shall include the following.

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds and bats;
- Identification of “biodiversity protection zones”, where appropriate;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;
- Details of responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.
This pre-commencement condition is necessary to ensure measures to prevent or minimise biodiversity impacts are devised and agreed at an appropriate stage of the development process.

8. Prior to development commencing (including demolition, ground works, vegetation clearance), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include appropriate provisioning for each phase of development approved pursuant to condition 6. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;

- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree to any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom 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, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 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.

9. Prior to development commencing, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent land, groundwater, and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure site investigation is carried out at an appropriate stage.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall

include a timetable, including any phasing to be undertaken, for the implementation and completion of the approved remediation measures.
Reason: To prevent land, groundwater, and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with 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. If 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 two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework

12. Following completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

13. Prior to commencing the superstructure of the hereby approved new school, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall detail the delivery of the enhancements detailed within section 8 of the submitted Ecological Impact Assessment, ref. ‘2023-1513’, and the Biodiversity Metric 3.1 calculations contained within the Biodiversity Net Gain Assessment, referenced ‘2023-1513’. This shall include the provision a

minimum of 10% net gain of habitat units and 10% net gain of hedgerow units' post-development. The EDS shall also include the following:

1. Description and evaluation of features to be managed and enhanced;
2. Specification and location of faunal enhancement features detailed in the submitted EcIA;
3. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
4. Ecological trends and constraints on site that might influence management;
5. Aims and Objectives of management;
6. Appropriate management actions for achieving Aims and Objectives;
7. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
8. Details of the management body or organisation responsible for implementation of the BEMP;
9. Ongoing monitoring programme and remedial measures; and
10. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.
Reason: To ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

14. Prior to commencing the superstructure of the hereby approved new school, commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;
- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities.
- Assessment of landscaping impact on public sewer infrastructure
- Details of an implementation and maintenance programme for a minimum 5-year period.

- Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing, and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development.

15. Prior to any new or rebuilding of retaining walls adjacent to the existing highway, a scheme detailing the location and cross-sectional information together with the proposed design and construction details including any modifications to the existing retaining wall on Nova Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works to deliver the new or rebuilding of retaining walls adjacent to the existing highway shall be implemented in accordance with the approved details and shall be retained so thereafter.
Reason: In the interest of preserving the safety of the public highway, in accordance with Policy LP21 of the Kirklees Local Plan.

16. Prior to their use, details of all the 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 hereby approved building being brought into use.
Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. Prior to the hereby approved new school being first brought into use, or prior to the installation of any external lighting, notwithstanding the submitted information, a lighting design strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall:

1. identify those areas / features on site that are particularly sensitive for local species and that are likely to cause disturbance in, or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging; and
2. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit

will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

3. With due regard to the requirements of points a and b, detail how appropriate lighting would be installed to mitigate and protect against crime.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

18. Prior to the hereby approved new school being first brought into use, the photovoltaic arrays annotated on proposed drawing "SRP1088-WLG-ZZ-ZZ-DR-E-7001-269 rev. P2" shall be installed and operational. The photovoltaic arrays as installed shall thereafter be retained.
Reason: In the interests of sustainable development and addressing climate change, to ensure a contribution towards the development's energy needs is made by renewable sources, and to accord with Policies LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

19. Prior to the new school hereby approved being substantially completed, a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the new school being first occupied being brought into use and shall thereafter be retained.
Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policies LP28 and LP52 of the Kirklees Local Plan.

20. Prior to the hereby approved development being brought into use and prior to the demolition of the existing school, a Traffic Survey shall be submitted to and approved in writing by the Local Planning Authority. The Traffic Survey shall consider the impacts of parent parking during student drop off / pick up times upon the nearby roads Nova Lane, Middlegate, Kings Drive, Bronte Road, and Shirley Avenue. The document shall consider whether mitigation measures (with timeframes for implementation), either physical or operational, are necessary to manage any detrimental highway impacts attributed to parent parking and drop off. Any approved mitigation measures shall be implemented in accordance with the approved details.
Reason: In the interest of mitigating the identified harm to the safe and efficient operation of the local highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

Note: Pursuant to condition 20 it is recommended that the scope of the survey be agreed with K.C. Highways Development Management prior to the works being undertaken. K.C. Highways Development Management may be contacted at Highways.DevelopmentControl@kirklees.gov.uk

21. Prior to the hereby approved building being brought into use, a kitchen extract system scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extraction system shall be installed and thereafter retained and maintained in accordance with the approved details.
Reason: To ensure the proposed development does not cause harmful odour pollution either in a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

22. Prior to the hereby approved building being brought into use, notwithstanding the submitted plans, details of cycle parking for a minimum of 18 bicycles shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a timeframe for implementation and shall include measures to secure the bicycles from crime and the elements. Thereafter the approved cycle parking shall be installed in accordance with the approved timeframe and shall be retained thereafter.
Reason: To promote methods of sustainable travel, to comply with Policy LP21 of the Kirklees Local Plan.

23. Prior to the hereby approved building being brought into use, a scheme detailing the provision of a minimum two Electric Vehicle Charging Points (EVCPs) on site shall be submitted to, and approved in writing by, the Local Planning Authority. The cable and circuitry ratings for the EVCP shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The scheme shall include a timeframe for implementation and shall include measures to secure the bicycles from crime and the elements. Thereafter the approved EVCP shall be installed in accordance with the approved timeframe and shall be retained thereafter.
Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

24. The use of the approved outdoor play area for reception and early years children, identified as area 1 within the key of plan ref. 'SRP1088-WMA-ZZ-00-DR-A-00-013', shall operate in accordance with the noise mitigation measures contained in the Noise Management Plan by Robert Halstead Chartered Surveyors & Town Planners dated February 2024, and shall thereafter be retained.
Reason: In the interest of protecting the amenity of neighbouring residents from undue noise pollution, in accordance with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

25. The hereby approved development shall be operated in accordance with the provisions to encourage sustainable travel detailed within the approved Travel Plan, ref. '1856/2 Rev. B by Ashley Helme Associates'.
Reason: To promote sustainable measures of travel, in accordance with LP20 of the Kirklees Local Plan.

26. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment is 5dB below the existing background sound level at any time (as per the table within section 7 of the submitted Acoustic Planning Report by Lighthouse Acoustics (Ref 1015/APR1 Revision 1) (dated: 27 March 2023)). 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.
Reason: 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.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Submitted via application 2024/90525			
Noise Assessment	Noise Management Plan		22.02.2024
Supporting Information	Planning Statement		22.02.2024
Submitted via application 2023/91092			
Block Plan	SRP1088-ITR-XX-00-SK-L-1002	Rev. P01	26.07.2023
Proposed site sections	SRP1088-WMA-ZZ-ZZ-DR-A-00-002	Rev. P09	25.07.2023
Proposed site sections	SRP1088-WMA-ZZ-ZZ-DR-A-00-008	Rev. P04	25.07.2023
Location Plan	SRP1088-WMA-ZZ-ZZ-DR-A-00-010		12.04.2023

Plan Type	Reference	Version	Date Received
General Plan	SRP1088-WMA-ZZ-ZZ-DR-A-00-011		12.04.2023
Proposed Site / Block Layout	SRP1088-WMA-ZZ-00-DR-A-00-013		12.04.2023
Proposed Floor Plans	SRP1088-WMA-ZZ-00-DR-A-10-001	Rev. P11	12.04.2023
Proposed Floor Plans	SRP1088-WMA-ZZ-01-DR-A-10-002	Rev. P09	12.04.2023
Proposed Floor Plans	SRP1088-WMA-ZZ-02-DR-A-10-003	Rev. P04	12.04.2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-001	Rev. P04	12.04.2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-002	Rev. P02	12.04.2023
Existing site sections	SRP1088-WMA-ZZ-ZZ-DR-A-20-003	Rev. P03	25.07.2023
Existing site sections	SRP1088-WMA-ZZ-ZZ-DR-A-20-004	Rev. P04	25.07.2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-010	Rev. P08	03.07.2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-011	Rev. P07	03.07.2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0001	Rev. P09	03.07.2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0002	Rev. P07	03.07.2023
General Plan	SRP1088-ITR-XX-00-DR-L-0003	Rev. P07	03.07.2023
Existing Site / Block Layout	SRP1088-TR-XX-00-DR-L-0004	Rev. P01	12.04.2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0012	Rev. P02	03.07.2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0009	Rev. P06	03.07.2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0008	Rev. P05	03.07.2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0101	Rev. P09	03.07.2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0102	Rev. P09	03.07.2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0201	Rev. P08	03.07.2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0202	Rev. P08	03.07.2023

Plan Type	Reference	Version	Date Received
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0210	Rev. P07	03.07.2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0211	Rev. P07	03.07.2023
Grouped Plans and Elevations	SRP1088-ITR-XX-00-DR-L-0310	Rev. P04	03.07.2023
Proposed Site Sections	SRP1088-ITR-XX-00-DR-L-0311	Rev. P01	11.05.2023
Grouped Plans and Elevations	SRP1088-ITR-XX-00-DR-L-0312	Rev. P01	03.07.2023
General Plan	SRP1088-WLG-ZZ-ZZ-DR-E-7001-269	/	12.04.2023
General Plan	42459_T	Rev. 0	12.04.2023
General Plan	42459_UG	Rev. 0	12.04.2023
Design and Access Statement			13.04.2023
Supporting Information	Planning Statement		12.04.2023
Supporting Information	Rapid Health Impact Assessment (HIA)		12.04.2023
Supporting Information	Statement of Community Involvement		12.04.2023
Supporting Information	Climate Change Statement		12.04.2023
Supporting Information	Phase 1 Ground Investigation Report		13.04.2023
Tree / Arboricultural Survey	Arboricultural Report and Impact Assessment		26.07.2023
Tree / Arboricultural Survey	Arboricultural Method Statement		26.07.2023
Ecological/Biodiversity Statement	Biodiversity Net Gain Assessment		11.07.2023
Ecological/Biodiversity Statement	Metric 3.1 Calculations		11.07.2023
Transport Assessment	Transport Statement	Rev. F	03.07.2023
Transport Assessment	Travel Plan		12.04.2023
Drainage / Foul Sewerage Assessment	Drainage Strategy / ref. 20226004	V1.12	12.04.2023

Plan Type	Reference	Version	Date Received
Ecological/Biodiversity Statement	Ecological Impact Assessment		13.04.2023
Conservation/Heritage Assessment	Heritage Statement		12.04.2023
Noise Assessment	Acoustic Planning Report 1015/APR1	Rev. 1	12.04.2023