

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

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

Reference No:	2024/44/91602/E
Site Address:	156, Upper Road, Batley, WF17 7BJ
Description:	Discharge conditions 1-20 on previous permission 2022/91343 for conversion of public house to form two dwellings, erection of garages and one detached dwelling, demolition of external outbuildings and associated works
Recommending Officer:	Nina Sayers

DECISION – Discharge of Conditions 5, 8 and 12 - Approved

I hereby authorise the approval of discharge of conditions 5, 8 and 12 of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 03-Sep-2024

Officer Report

Site Description

Site address – 156 Upper Road, Batley, WF17 7BJ

Proposal – Discharge conditions 1-20 on previous permission 2022/91343 for conversion of public house to form two dwellings, erection of garages and one detached dwelling, demolition of external outbuildings and associated works.

Assessment

Following the previous decision notice (dated 12-AUG-2024), the applicant has submitted drawing no. "DWG-0121 Rev.B" which includes a detailed annotation regarding construction access and demonstrates the location of the proposed fencing. The relevant conditions have been re-assessed below:

Condition 5 – Boundary Treatment

Condition 5 reads as follows:

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the detached dwelling hereby approved, full details of all boundary treatments 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 before the dwellings are first brought into use and thereafter retained.

Reason: In the interests of visual and residential amenity in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

The applicant has outlined within their planning statement that the fencing and boundary treatments shall be 1.8m high timber fencing, vertical slatted with concrete fixed posts at 2m intervals and secured with horizontal fixings top, mid and base.

The submitted drawing no. "DWG-0121 Rev.B" outlines the location of the proposed fencing along the boundary of the detached dwelling which is considered acceptable and appropriate for the purposes of discharging condition 5

Condition 5 can therefore be discharged. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Condition 8 – Construction Access

Condition 8 reads as follows:

8. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interest of pedestrian and highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that suitable construction management measures are agreed and incorporated at the appropriate stage of the development process.

The submitted drawing no. "DWG-0121 Rev.B" demonstrates the following:

- Point of access for construction vehicles would be to the south of the site and would be routed off A638 Halifax Road
- Construction traffic times of access would be limited to Monday-Friday 9:30am-4pm to avoid peak hours of traffic.
- Parking provision would be provided for two vehicles to the south-eastern corner of the site.
- Wheel wash facilities would be in place throughout the whole construction process and would be adjacent to the access.

The submitted details within the annotations on submitted drawing no. "DWG-0121 Rev.B" are considered sufficient for the purposes of discharging condition 8 and KC Highways Development Management have no objection to the submitted information.

Condition 8 can therefore be discharged. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Condition 12 – Remediation Strategy

Condition 12 reads as follows:

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, 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 for the implementation and completion of the approved remediation measures.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition

that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

A Remediation Strategy authored by RB Geotechnical dated March 2024 (ref: RBG396 - Issue 001) in support of the application to discharge Condition 12. The report proposals the removal of 450mm of soil and the placement of 450mm of imported soils. Soils will be tested for their suitability for use in accordance with YALPAG guidelines. The final report will include photographs and depth verification.

Gas protection measures are also required, and the report recommends that these are a pressure relief system or subfloor void ventilation in addition to a suitable gas protective barrier to meet the standards of CS2. The report states that these should be designed and verified in accordance with good practice guidance. KC EH accept the remediation strategy and recommend that Condition 12 be discharged.

For these reasons, we recommend that Condition 12 can be discharged.

Decision Notice Text

Following the previous decision notice (dated 12-AUG-2024), the applicant has submitted drawing no. "DWG-0121 Rev.B" which includes a detailed annotation regarding construction access and demonstrates the location of the proposed fencing. Conditions 5, 8 and 12 can now be discharged. The applicant is reminded of the further stipulations of the conditions as outlined below:

Condition 5 – Boundary Treatment

The applicant has outlined within their planning statement that the fencing and boundary treatments shall be 1.8m high timber fencing, vertical slatted with concrete fixed posts at 2m intervals and secured with horizontal fixings top, mid and base.

The submitted drawing no. "DWG-0121 Rev.B" outlines the location of the proposed fencing along the boundary of the detached dwelling which is considered acceptable and appropriate for the purposes of discharging condition 5

Condition 5 can therefore be discharged. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Condition 8 – Construction Access

The submitted details within the annotations on submitted drawing no. "DWG-0121 Rev.B" are considered sufficient for the purposes of discharging condition

8 and KC Highways Development Management have no objection to the submitted information.

Condition 8 can therefore be discharged. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Condition 12 – Remediation Strategy

A Remediation Strategy authored by RB Geotechnical dated March 2024 (ref: RBG396 - Issue 001) in support of the application to discharge Condition 12. The report proposals the removal of 450mm of soil and the placement of 450mm of imported soils. Soils will be tested for their suitability for use in accordance with YALPAG guidelines. The final report will include photographs and depth verification.

Gas protection measures are also required, and the report recommends that these are a pressure relief system or subfloor void ventilation in addition to a suitable gas protective barrier to meet the standards of CS2. The report states that these should be designed and verified in accordance with good practice guidance. KC EH accept the remediation strategy and recommend that Condition 12 be discharged.

For these reasons, Condition 12 can be discharged.

Officer Report

Site Description

Site address – 156 Upper Road, Batley, WF17 7BJ

Proposal – Discharge conditions 1-20 on previous permission 2022/91343 for conversion of public house to form two dwellings, erection of garages and one detached dwelling, demolition of external outbuildings and associated works.

Assessment

Condition 1 – Timescale

Condition 1 reads as follows:

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.

This condition is a compliance condition and cannot be discharged. Condition 1 must remain.

Condition 2 – Plans

Condition 2 reads as follows:

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 Policies LP1, LP2, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and the aims of the National Planning Policy Framework.

This condition is a compliance condition and cannot be discharged. Condition 2 must remain.

Condition 3 – Materials

Condition 3 reads as follows:

3. Samples of all external walls and roofing materials for the detached dwelling and double garage shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the superstructure of the dwelling hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

Within the submitted planning statement the applicant has provided detail of the proposed materials. They proposed the following materials:

- Walls – Marshalls Fairstone Traditional Pitch Faced Walling in silver birch
- Render – K Rend Ivory
- Roofing – R Redland Cambrian Slate - Slate Grey Pre-Weathered

The proposed walls would be finished in coursed stone to match existing building on both the new build garages and dwelling. The colour and coursing, along with render colour and pointing / mortar colour and style would match the existing building. The proposed roofing would also be in keeping with the existing building. The proposed render would be in keeping with surrounding office and is as described and conditioned by the previous officer (see condition 4).

Officers are therefore satisfied with the details provided which are sufficient for the purposes of discharging condition 3. The development shall be carried out in accordance with the approved details.

Condition 4 – Render

Condition 4 reads as follows:

4. Before the two dwellings within the existing building hereby approved are first brought into use, the eastern side elevation of the dwelling shall be finished in render. The render shall be of a similar colour to the stone used on the existing building and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

This condition is a compliance condition and cannot be discharged. Condition 4 must remain.

Condition 5 – Boundary Treatment

Condition 5 reads as follows:

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the detached dwelling hereby approved, full details of all boundary treatments 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 before the dwellings are first brought into use and thereafter retained.

Reason: In the interests of visual and residential amenity in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

The applicant has outlined within their planning statement that the fencing and boundary treatments shall be 1.8m high timber fencing, vertical slatted with concrete fixed posts at 2m intervals and secured with horizontal fixings top, mid and base. There is no detail provided of where this fencing will be located and therefore officer require a site plan detailing the location of the proposed boundary treatment before they can discharge condition 5.

Condition 5 must remain.

Condition 6 – Parking surfacing

Condition 6 reads as follows:

6. Prior to the development being brought into use, the areas approved for parking shall be surfaced and drained in accordance with the Communities and

Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for parking and in accordance with Policy LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide.

This condition is a compliance condition and cannot be discharged. Condition 6 must remain.

Condition 7 – Turning Facilities

Condition 7 reads as follows:

7. Before any building/dwelling is occupied, turning facilities shall be provided in accordance with the details shown on drawing reference DWG-003 C. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide.

This condition is a compliance condition and cannot be discharged. Condition 7 must remain.

Condition 8 – Construction Access

Condition 8 reads as follows:

8. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interest of pedestrian and highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that suitable construction management measures are agreed and incorporated at the appropriate stage of the development process.

No details of the routing of the construction traffic to and from the site, or details of the times of use of the access, have been provided. KC Highways

Development Management have been consulted and have commented that routing should be via the A638 Halifax Road from the south, all other turning movements into the site will be extremely difficult for larger vehicles. Timing should avoid the peak AM and PM hours for traffic 8.00 to 9.30 and 16.00 to 18.00.

Additional information is required in order to discharge condition 8. Condition 8 must remain.

Condition 9 – Waste

Condition 9 reads as follows:

9. Before development commences on the superstructure of the new dwelling, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the dwellings and shall be so retained thereafter.

Reason: In the interest of highway safety, to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Principles 12 and 19 of Housebuilders Design Guide Supplementary Planning Document.

Details of where bins are to be stored and the location of bin presentation points are provided on the Proposed Site Plan ref: DWG-0121 and DWG-0122. The planning statement outlines that *“the bins for the collection date will be brought to the kerbside location the day of the collection in line with the rest of the Streetscene for residential collection of household, recycling and garden waste. They will then be returned to the locations marked on the plans attached for each of the dwellings.”* KC Highways Development Management and KC Waste Strategy have been consulted on the proposal and have no objection to the discharge of condition 9.

The details submitted are sufficient for the purposes of discharging condition 9. The approved details shall be provided before first occupation of the dwellings and shall be so retained thereafter.

Condition 10 – Phase I Report

Condition 10 reads as follows:

10. Groundwork shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for investigations to be undertaken and assessed, to establish the exact situation regarding contamination at the site in a timely manner.

A Phase 1 report by RB Geotechnical, date June 2024 (ref: RBG271) was submitted. It is noted that this report is the same as that submitted, and considered acceptable under 2023/90041.

Therefore, the information submitted is sufficient for the purposes of condition 10 and condition 10 can be discharged.

Condition 11 – Phase II Report

Condition 11 reads as follows:

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

The applicant has provided a Phase II Interpretative Report by RB Geotechnical, dated April 2024 (ref: RBG312) which has been reviewed by KC Environmental Health.

The Phase II investigation identified shallow soil contamination, in particular elevated levels of TPH, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-c,d)pyrene and dibenzo(a,h)anthracene. The investigation also revealed elevated carbon dioxide and ground gas flow rates. Consequently, the site was characterised as a Characteristic Situation Level 2 site.

Based on the findings, RB Geotechnical recommend a detailed remediation strategy and remediation of the site to address the soil and ground gas issues. Officers accept the Phase II Interpretative Report by RB Geotechnical, dated April 2024 (ref: RBG312) and recommend that Condition 11 is discharged.

Condition 11 can therefore be discharged.

Condition 12 – Remediation Strategy

Condition 12 reads as follows:

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, 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 for the implementation and completion of the approved remediation measures.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

A Remediation Strategy authored by RB Geotechnical dated March 2024 (ref: RBG396 - Issue 001) in support of the application to discharge Condition 12. The report proposes the removal of 450mm of soil and the placement of 450mm of imported soils. Soils will be tested for their suitability for use in accordance with YALPAG guidelines. The final report will include photographs and depth verification.

Gas protection measures are also required, and the report recommends that these are a pressure relief system or subfloor void ventilation in addition to a suitable gas protective barrier to meet the standards of CS2. The report states that these should be designed and verified in accordance with good practice guidance. KC EH accept the remediation strategy and recommend that Condition 12 be discharged.

For these reasons, we recommend that Condition 12 can be discharged.

Condition 13 – Remediation

Condition 13 reads as follows:

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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 works on site (save 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Condition 13 must remain until all groundworks are completed.

Condition 14 – Validation Report

Condition 14 reads as follows:

14. 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. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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. Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

No validation report has been received as part of the application to discharge Condition 14 and officers are yet to accept a remediation strategy for Condition 12. Therefore, it is unclear how officers can consider the discharge of Condition 14 at this time. For these reasons, Condition 14 must remain until further notice.

Condition 15 – Electric Vehicle Charging Point

Condition 15 reads as follows:

15. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- *A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space.*

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interests of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

The applicant has submitted a Proposed Site Plan (drawing no. DWG-0121) and a planning statement in order to discharge condition 15. These documents confirm that a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) will be installed at each residential unit that has a dedicated parking space.

The submitted information is considered sufficient for the discharge of condition 15. The buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Condition 16 – Noise

Condition 16 reads as follows:

“Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate*
- a) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development*
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required)*

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interest of the amenity of future occupiers of the properties and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

The applicant has submitted a Noise Impact Assessment authored by ENS dated 24 June 2024 ref NIA/10591/22/10730/v1/Upper Road, Batley detailing the neighbouring environment. Background noise monitoring was conducted from 4 monitoring positions (MPs) as shown in Appendix 2 on Thursday the 6th of October through to Friday the 7th of October 2022 and again on Monday the 10th of October 2022. A summary of the findings is given in table 3.1. Para 3.05 states the dominant source was road traffic.

In order to meet with the internal requirements of BS8233, a scheme of sound insulation works is shown in table 5.1. Of note is the need for mechanical ventilation to the former public house building and a recommendation for an individual room ventilator, such as the Titon Sonair unit is made. In order to meet with the external requirements of BS8233, a recommendation for a 2m high fence to the external amenity area is made and a specification is given as per paras 5.10 & 5.11.

The findings of the report are accepted and therefore condition 16 can be discharged. The applicant is reminded that the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Condition 17 – Bat box

Condition 17 reads as follows:

17. Before the detached dwelling is first occupied, a bat roosting feature (1FF Schwegler Bat Box/bat tube or a similar alternative) shall be installed integral to the south aspect of the detached dwelling. The bat tube shall not be located

above a window, shall be a minimum of 4m above ground level and shall be thereafter retained.

Reason: To provide ecological enhancement in accordance with the requirements of Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

This condition is a compliance condition and cannot be discharged. Condition 17 must remain.

Condition 18 – Bird box

Condition 18 reads as follows:

18. Before the detached dwelling is first occupied, one bird nesting feature (1SP Schwegler Sparrow Terrace or similar alternative) shall be installed on the north or east elevation of the dwelling at a height of at least 2 meters. Hereafter the box shall be retained.

Reason: To provide ecological enhancement in accordance with the requirements of Policy LP30 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide and Chapter 15 of the National Planning Policy Framework.

This condition is a compliance condition and cannot be discharged. Condition 18 must remain.

Condition 19 – Permitted Development Rights (extensions)

Condition 19 reads as follows:

19. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no buildings or extensions shall be erected within the redline boundary of the site.

Reason: In the interest of residential amenity and to avoid an overdevelopment of the site and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide and the aims of the National Planning Policy Framework.

This condition is a compliance condition and cannot be discharged. Condition 19 must remain.

Condition 20 – Permitted Development Rights (openings)

Condition 20 reads as follows:

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created at ground floor level in the side elevations of the detached dwelling hereby approved.

Reason: So as not to detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide and the aims of the National Planning Policy Framework.

This condition is a compliance condition and cannot be discharged. Condition 20 must remain.

Decision Notice Text

Conditions 3, 9, 10, 11, 12, 15 and 16 can be discharged at this time.

Conditions 1, 2, 4, 5, 6, 7, 8, 13, 14, 17, 18, 19 and 20 cannot be discharged and must remain.

Condition 1 – Timescale

This condition is a compliance condition and cannot be discharged. Condition 1 must remain.

Condition 2 – Plans

This condition is a compliance condition and cannot be discharged. Condition 2 must remain.

Condition 3 – Materials

The proposed materials are:

- Walls – Marshalls Fairstone Traditional Pitch Faced Walling in silver birch
- Render – K Rend Ivory
- Roofing – R Redland Cambrian Slate - Slate Grey Pre-Weathered

Officers are therefore satisfied with the details provided which are sufficient for the purposes of discharging condition 3. The development shall be carried out in accordance with the approved details.

Condition 4 – Render

This condition is a compliance condition and cannot be discharged. Condition 4 must remain.

Condition 5 – Boundary Treatment

There is no detail provided of where this fencing will be located and therefore officers require a site plan detailing the location of the proposed boundary treatment before condition 5 can be discharged. Condition 5 must therefore remain.

Condition 6 – Parking surfacing

This condition is a compliance condition and cannot be discharged. Condition 6 must remain.

Condition 7 – Turning Facilities

This condition is a compliance condition and cannot be discharged. Condition 7 must remain.

Condition 8 – Construction Access

No details of the routing of the construction traffic to and from the site, or details of the times of use of the access, have been provided. KC Highways Development Management have been consulted and have commented that routing should be via the A638 Halifax Road from the south, all other turning movements into the site will be extremely difficult for larger vehicles. Timing should avoid the peak AM and PM hours for traffic 8.00 to 9.30 and 16.00 to 18.00.

Additional information is required in order to discharge condition 8. Condition 8 must remain.

Condition 9 – Waste

Details of where bins are to be stored and the location of bin presentation points are provided on the Proposed Site Plan ref: DWG-0121 and DWG-0122. The planning statement outlines that *“the bins for the collection date will be brought to the kerbside location the day of the collection in line with the rest of the Streetscene for residential collection of household, recycling and garden waste. They will then be returned to the locations marked on the plans attached for each of the dwellings.”*

The details submitted are sufficient for the purposes of discharging condition 9. The approved details shall be provided before first occupation of the dwellings and shall be retained thereafter.

Condition 10 – Phase I Report

A Phase 1 report by RB Geotechnical, date June 2024 (ref: RBG271) was submitted. It is noted that this report is the same as that submitted, and considered acceptable, under 2023/90041.

The information submitted is sufficient for the purposes of condition 10 and condition 10 can therefore be discharged.

Condition 11 – Phase II Report

The applicant has provided a Phase II Interpretative Report by RB Geotechnical, dated April 2024 (ref: RBG312). Officers accept this Phase II report. Condition 11 can therefore be discharged.

Condition 12 – Remediation Strategy

No remediation strategy has been submitted as part of the application to discharge Condition 12. However, the Phase II Interpretative Report by RB Geotechnical, dated April 2024 (ref: RBG312) has identified contamination at the site and we consider remediation necessary to make the site safe for occupation. For these reasons, we recommend that Condition 12 remain until further notice.

Condition 13 – Remediation

Condition 13 must remain until all groundworks are completed.

Condition 14 – Validation Report

No validation report has been received as part of the application to discharge Condition 14. Therefore, it is unclear how officers can consider the discharge of Condition 14 at this time. For these reasons, Condition 14 must remain until further notice.

Condition 15 – Electric Vehicle Charging Point

The applicant has submitted a Proposed Site Plan (drawing no. DWG-0121) and a planning statement in order to discharge condition 15. These documents confirm that a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) will be installed at each residential unit that has a dedicated parking space.

The submitted information is considered sufficient for the discharge of condition 15. The buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Condition 16 – Noise

The applicant has submitted a Noise Impact Assessment authored by ENS dated 24 June 2024 ref: NIA/10591/22/10730/v1/Upper Road, Batley . The findings of the report are accepted and therefore condition 16 can be discharged. The applicant is reminded that the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Condition 17 – Bat box

This condition is a compliance condition and cannot be discharged. Condition 17 must remain.

Condition 18 – Bird box

This condition is a compliance condition and cannot be discharged. Condition 18 must remain.

Condition 19 – Permitted Development Rights (extensions)

This condition is a compliance condition and cannot be discharged. Condition 19 must remain.

Condition 20 – Permitted Development Rights (openings)

This condition is a compliance condition and cannot be discharged. Condition 20 must remain.

Decision Notice Text

Conditions 3, 9, 10, 11, 12, 15 and 16 can be discharged at this time.

Conditions 1, 2, 4, 5, 6, 7, 8, 13, 14, 17, 18, 19 and 20 cannot be discharged and must remain.

Condition 1 – Timescale

This condition is a compliance condition and cannot be discharged. Condition 1 must remain.

Condition 2 – Plans

This condition is a compliance condition and cannot be discharged. Condition 2 must remain.

Condition 3 – Materials

The proposed materials are:

- Walls – Marshalls Fairstone Traditional Pitch Faced Walling in silver birch
- Render – K Rend Ivory
- Roofing – R Redland Cambrian Slate - Slate Grey Pre-Weathered

Officers are therefore satisfied with the details provided which are sufficient for the purposes of discharging condition 3. The development shall be carried out in accordance with the approved details.

Condition 4 – Render

This condition is a compliance condition and cannot be discharged. Condition 4 must remain.

Condition 5 – Boundary Treatment

There is no detail provided of where this fencing will be located and therefore officers require a site plan detailing the location of the proposed boundary treatment before condition 5 can be discharged. Condition 5 must therefore remain.

Condition 6 – Parking surfacing

This condition is a compliance condition and cannot be discharged. Condition 6 must remain.

Condition 7 – Turning Facilities

This condition is a compliance condition and cannot be discharged. Condition 7 must remain.

Condition 8 – Construction Access

No details of the routing of the construction traffic to and from the site, or details of the times of use of the access, have been provided. KC Highways Development Management have been consulted and have commented that routing should be via the A638 Halifax Road from the south, all other turning movements into the site will be extremely difficult for larger vehicles. Timing should avoid the peak AM and PM hours for traffic 8.00 to 9.30 and 16.00 to 18.00.

Additional information is required in order to discharge condition 8. Condition 8 must remain.

Condition 9 – Waste

Details of where bins are to be stored and the location of bin presentation points are provided on the Proposed Site Plan ref: DWG-0121 and DWG-0122. The planning statement outlines that *“the bins for the collection date will be brought to the kerbside location the day of the collection in line with the rest of the Streetscene for residential collection of household, recycling and garden waste. They will then be returned to the locations marked on the plans attached for each of the dwellings.”*

The details submitted are sufficient for the purposes of discharging condition 9. The approved details shall be provided before first occupation of the dwellings and shall be retained thereafter.

Condition 10 – Phase I Report

A Phase 1 report by RB Geotechnical, date June 2024 (ref: RBG271) was submitted. It is noted that this report is the same as that submitted, and considered acceptable, under 2023/90041.

The information submitted is sufficient for the purposes of condition 10 and condition 10 can therefore be discharged.

Condition 11 – Phase II Report

The applicant has provided a Phase II Interpretative Report by RB Geotechnical, dated April 2024 (ref: RBG312). Officers accept this Phase II report. Condition 11 can therefore be discharged.

Condition 12 – Remediation Strategy

No remediation strategy has been submitted as part of the application to discharge Condition 12. However, the Phase II Interpretative Report by RB Geotechnical, dated April 2024 (ref: RBG312) has identified contamination at the site and we consider remediation necessary to make the site safe for occupation. For these reasons, we recommend that Condition 12 remain until further notice.

Condition 13 – Remediation

Condition 13 must remain until all groundworks are completed.

Condition 14 – Validation Report

No validation report has been received as part of the application to discharge Condition 14. Therefore, it is unclear how officers can consider the discharge of Condition 14 at this time. For these reasons, Condition 14 must remain until further notice.

Condition 15 – Electric Vehicle Charging Point

The applicant has submitted a Proposed Site Plan (drawing no. DWG-0121) and a planning statement in order to discharge condition 15. These documents confirm that a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) will be installed at each residential unit that has a dedicated parking space.

The submitted information is considered sufficient for the discharge of condition 15. The buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Condition 16 – Noise

The applicant has submitted a Noise Impact Assessment authored by ENS dated 24 June 2024 ref: NIA/10591/22/10730/v1/Upper Road, Batley . The

findings of the report are accepted and therefore condition 16 can be discharged. The applicant is reminded that the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Condition 17 – Bat box

This condition is a compliance condition and cannot be discharged. Condition 17 must remain.

Condition 18 – Bird box

This condition is a compliance condition and cannot be discharged. Condition 18 must remain.

Condition 19 – Permitted Development Rights (extensions)

This condition is a compliance condition and cannot be discharged. Condition 19 must remain.

Condition 20 – Permitted Development Rights (openings)

This condition is a compliance condition and cannot be discharged. Condition 20 must remain.