

**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:	2024/44/91864/E
Site Address:	Kirklees Council Depot, 1-3, St Paul's Road, Mirfield, WF14 8AX
Description:	Discharge of details reserved by conditions 7 (details of levels) and 17 (drainage) of previous permission 2023/90394 for variation of condition 2 (plans) of previous permission 2019/94099 for demolition of existing buildings and erection of two-storey supported living apartment block (13 apartments) with associated offices, gardens and parking spaces
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Conditions – Approve

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

Victor Grayson

AUTHORISED OFFICER

Date: 01/10/2024

The application seeks to discharge condition 7 (levels/boundary details) and condition 17 (temporary drainage) of previous permission 2023/90394 for variation condition 2 (plans) of previous permission 2019/94099 for demolition of existing buildings and erection of two-storey supported living apartment block (13 apartments) with associated offices, gardens and parking spaces

The application is accompanied by the following:

Condition 7 (levels / boundary details):

- Drawing ref 19303-DCE-XX-XX-D-C-150, Rev P02, dated 27/06/2024 titled 'Proposed external levels' by Dudley Consulting Engineers
- Drawing ref 50101-BBA-90-X00-DR-A-0002-Rev P03, dated 25/09/2024 titled 'Proposed Boundary Treatment plan' by BBA Brewster Bye Architects
- Drawing ref 50101-BBA-90-Z00-DR-A-0003-Rev P02 dated 09/09/2024, titled 'Proposed Boundary Treatment' Details' by BBA Brewster Bye Architects
- Drawing ref 19303-DCE-XX-XX-D-C-160-Rev P02, dated 09/09/2024, titled 'Proposed Site Boundary Sections' by Dudley Consulting Engineers

Condition 17 (temporary drainage):

- Drawing ref 19383-DCE-XX-XX-D-C-105, Rev P01, dated 24/06/2024 titled 'Temporary Drainage Proposals' by Dudley Consulting Engineers
- A Construction Stage Drainage Strategy by West End Builders

The KC Lead Local flood Authority (LLFA) has been consulted.

Condition 7 states:

7. Notwithstanding what is shown on drawing 501/01(09)002 E, prior to the commencement of development, details (including sections and details of levels) of all boundary treatments, and any boundary retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and shall be retained thereafter.

Reason: *In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential accommodation hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure an appropriate scheme for boundary treatment (including, where possible, the retention of existing boundary treatments that are of amenity value) is devised and agreed at an appropriate stage of the development process.

Assessment

Around the site's perimeter, the applicant proposes:

- Northern boundary (abutting Ings Grove Park) – 1.8m high stone wall and stone coping, built with existing material. The submitted details indicate the existing boundary wall is currently retaining the adjacent third party land and is in good condition. This is, however, to be verified on site during construction works.
- Northeastern boundary (shared with 5 St Paul's Road) – 1.8m high existing wall with 1m metal fence above, giving a 2.8 overall height when viewed from within the site and 1.45m when viewed from 5 St Paul's Road.
- Site frontage wall to be reduced to 0.75m with metal railing above giving a total height of 1.20m in height.
- Site entrance – retention of existing stone walls at either side of the entrance.
- Southwestern and western boundary – 1.8m high stone wall and stone coping, built with existing material. The revised details as now amended indicate there is unlikely to be a need for any retention walls.

The applicant has also clarified in an email dated 09/09/2024 that the “*design intent is to partially demolish the existing boundary walls on site to a height of 1.8m from external levels. These existing boundary walls currently act as retaining elements as the levels in our site are lower than the contextual levels*”.

The applicant advises that no new additional retaining elements are proposed.

The applicant also proposes:

- 0.9m fences separating private gardens at rear of site.
- 1.8m high metal fence at east corner of building.
- 0.9m timber fence behind main front boundary treatment.
- Fixed metal gate in boundary treatment facing St Paul's Road.
- 1.5m high metal fence at south and west corners of building.
- The provision of seven hedgehog holes/gaps to be created within boundaries internally within the site and one within the southwestern perimeter boundary of the site as shown on the revised 'Proposed Boundary Treatment plan' received on 25/09/2024.

The submitted details indicate largely the retention of existing walls along the northeastern boundary (adjacent to 5 St Paul's Road) and the site frontage onto St Paul's Road, albeit at reduced heights as shown on the proposed boundary treatment details. The site frontage wall would include a metal rail above the wall resulting in an overall height of 1.20m. A 1.80m high stone wall is shown along the northwestern boundaries. Again, this would largely consist of the existing wall, which would be made good where required and would likely include new sections to replace the existing palisade fencing.

Condition 7 was applied for the following reasons:

- Visual amenity
- Highways safety
- Biodiversity
- Flood risk
- Residential amenity

The officer report regarding application 2019/94099 noted:

- Paragraph 3.5: The existing stone wall to St Paul's Road would be reduced in height, with metal railings and fixed gates added. Other existing boundary treatments would be retained or replaced.
- Paragraph 10.29: The site's existing stone perimeter wall to St Paul's Road would be reduced in height, with metal railings and fixed gates added. This would mean much of this attractive existing feature would be retained, while ensuring the adjacent ground floor units would receive adequate natural light and would have adequate outlook. Fixed gates (as opposed to openable gates) are proposed for security reasons, and these openings in the wall would help the development relate to the pattern of front garden gates (set into short stone and brick front garden walls) that already exists in St Paul's Road.
- Paragraphs 10.30 and 10.31 set out commentary regarding the request of a neighbouring resident for the existing brick wall boundary treatment (which was part of one of the buildings that was to be demolished) to be retained.

The subsequent officer report for application 2023/90394 noted that the applicant had submitted amended drawings, deleting two fixed gates from the front (St Paul's Road) boundary treatment.

Visual amenity:

The details submitted are considered appropriate and would be in keeping with the characteristics of this street which includes stone walls with metal railings above on neighbouring sites.

Residential amenity:

Residents of the new development (in particular occupiers of flat 3, at ground floor level) would have an outlook onto the shared boundary with 5 St Paul's Road. This is to be 2.8m in overall height when viewed internally within the site. Outlook in this direction would therefore be limited, however this boundary would be seen through a secondary opening which is to serve a kitchen area in an open plan living room which is to have its main opening on the street frontage elevation. The other opening facing this boundary is to serve a bathroom. As such it is not considered that the amenities of the future occupants of this development would be unduly compromised.

Occupiers of 5 St Paul's Road are concerned that due to this boundary treatment having an overall height of 1.45m (viewed from their side), the development would not maintain their security and privacy.

There is to be a difference in levels between the two sites where the finished ground levels within the application site are to be lower (by approximately 1.40m) than that of 5 St Paul's Road, making it more difficult for a perpetrator to climb over this boundary which is to be of an overall height of 2.8m (measured on the application site side).

With regard to privacy, whilst this matter would have been considered under previous applications, it is considered the amenities of both future residents of the new development and 5 St Paul's Road would not be compromised with the new proposed boundary treatment, and it is noted that the proposed development would only have a kitchen, a bathroom and a staircase window in the elevation facing 5 St Paul's Road.

Concerns are also raised by residents in relation to the loss of light and compromising of the views currently enjoyed by the residents of 5 St Paul's Road. Again, the matter of loss of light would have been previously considered, and such impacts are not considered problematic at this site. Impact on views is not a planning matter. Outlook is, however, a material consideration, although again this matter will have been previously considered, and the relationship between the proposed development, its boundary treatments and the habitable room windows of 5 St Paul's Road is not considered problematic.

The concerns of the neighbour have been conveyed to the applicant, who has stated that the occupiers of 5 St Paul's Road will be informed of when works commence along this boundary.

Highway safety:

The proposals include the retention of the existing stone walls on either side of the entrance to the site. KC Highways Development Management have clarified that this is a one way street with traffic coming from the south (from Huddersfield Road). Therefore, drivers exiting the site would need to focus and look out for traffic coming from the south. The retention of the stone wall to the south side of the access point (the left hand side, when viewed from the road) would form part of the screening to the waste/refuse bins area, which is to be situated behind this wall. Whilst not ideal, KC Highways Development Management have confirmed that retention of this wall would not give rise to significant highway safety concerns, particularly as the proposed use is likely to generate less traffic than the previous use of the site, when it was used as a depot. It is also noted that vehicles heading north past the application site are unlikely to be speeding, as they will have recently turned into St Paul's Road from Huddersfield Road.

Biodiversity:

In terms of biodiversity, the 'Proposed Boundary Treatment plan' received on 25/09/2024 now includes eight locations within the site where hedgehog holes/gaps would be created. Provided the development is completed in accordance with these details, the biodiversity element of this condition will be addressed.

Flood risk:

Flood routing details have been submitted under the parallel discharge of condition application 2024/91756. This includes a flood routing plan which indicates the retention of existing walls on the periphery of the site. Based on the information submitted, Lead Local Flood Authority officers are satisfied the proposals would not give rise to flood risk issues.

Overall, the submitted boundary treatments would not detract from the visual amenity of the street scene, nor would they result in significant concerns relating to the amenities of neighbouring sites, from flood risk or highway safety matters. In terms of biodiversity, the plans have been revised to incorporate in total eight hedgehog gaps mainly in internal boundaries within the site.

The completion of the development in accordance with these details would satisfy the requirements of this condition.

Condition 17 states:

*17. Prior to the commencement of development, details of temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and shall demonstrate how flooding of adjacent land shall be prevented. The temporary works shall be implemented in accordance with the approved details prior to the commencement of development. The approved temporary drainage scheme shall be retained until the permanent surface water drainage system (to be approved pursuant to condition 18) is in place and functioning in accordance with written notification to the Local Planning Authority. **Reason:** To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

Assessment

On assessment of the information submitted, KC LLFA have confirmed (based on the information provided):

“The LLFA confirms acceptance of the proposed strategy to control surface water run-off during the construction phase as set out in the Construction Stage Drainage Strategy and Temporary Drainage Proposals”

This condition will be satisfied subject to the temporary works being implemented in accordance with the approved details prior to the commencement of development and retained until the permanent surface water drainage system (approved pursuant to condition 18) is in place and functioning, in accordance with written notification to the Local Planning Authority.

Details pertaining to condition 18 are currently under consideration under Discharge of Conditions application 2024/91756.

Conclusion:

The details submitted pursuant to conditions 7 and 17 are sufficient to meet the requirements of these conditions subject to works being carried out in complete accordance with these details.

DECISION TEXT

The application seeks to discharge condition 7 (levels/boundary details) and condition 17 (drainage) of previous permission 2023/90394 for variation condition 2 (plans) of previous permission 2019/94099 for demolition of existing buildings and erection of two-storey supported living apartment block (13 apartments) with associated offices, gardens and parking spaces.

The application is accompanied by the following:

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You have submitted:

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- Drawing ref 19303-DCE-XX-XX-D-C-160-Rev P02, dated 09/09/2024, titled ‘Proposed Site Boundary Sections’ by Dudley Consulting Engineers

The details set out in the above-listed documents are considered acceptable for the purpose of condition 7, and are hereby approved. Condition 7 will be satisfied subject to the completion of development in accordance with these details and retained thereafter in accordance with the approved details.

Condition 17 (temporary drainage):

You have submitted:

- Drawing ref 19383-DCE-XX-XX-D-C-105, Rev P01, dated 24/06/2024 titled 'Temporary Drainage Proposals' by Dudley Consulting Engineers
- A Construction Stage Drainage Strategy by West End Builders

The details set out in the above-listed documents are considered acceptable for the purpose of condition 17, and are hereby approved. The temporary works must be implemented in accordance with the approved details prior to the commencement of development and retained until the permanent surface water drainage system approved pursuant to condition 18 is in place and functioning. Written notification must be provided to the Local Planning Authority on implementation of the approved permanent surface water drainage system (approved pursuant to condition 18), confirming that the system is in place and functioning, to fully satisfy the requirements of this condition.

Summary

In summary the requirements of conditions 7 and 17 will be met subject to the above advice.

Report dated: 26/09/2024