

**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:	2024/70/92006/E
Site Address:	Kirklees Council Depot, 1-3, St Paul's Road, Mirfield, WF14 8AX
Description:	Variation of condition 20 (EDS) 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
Recommending Officer:	Farzana Tabasum

DECISION – S111/S106 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.**

Victor Grayson

AUTHORISED OFFICER

Date: 12/09/2025

Officer report

Site description:

The application site is 0.21 hectares in size (applicant's figure) and is currently occupied by a hard-surfaced yard with single- and two storey buildings of stone and red brick. The site has a gentle downhill slope towards the south. Boundary treatments of stone and brick (with palisade fencing above, in places) currently enclose the site.

To the northeast, east and southeast of the application site are residential properties on St Paul's Road, and a funeral director's premises and social club exist to the east. To the north, the site shares a boundary with Ings Grove Park, within which is the nearest designated heritage asset (the Grade II listed war memorial, Historic England ref: 1439587). To the west is 198 Huddersfield Road (the former Mirfield Urban District Council offices). To the south are garages in private ownership, an electricity substation, and two buildings in use as a pharmacy and a bank.

Most buildings surrounding the site are two storeys in height, although taller buildings exist on Huddersfield Road, and some two-storey buildings have greater floor-to-ceiling heights than others. Natural local stone predominates in this part of Mirfield. Some secondary elevations are of red brick.

The site is brownfield land and was formerly used as a council depot.

The site is without designation or allocation in the Local Plan but is located directly adjacent to Mirfield Town Centre and the Urban Greenspace of the adjacent park, to the north.

St Paul's Road is a one-way street, with vehicular traffic moving northeast wards. The road is subject to a 30mph speed limit and has footways on both sides of the carriageway. Directly outside the application site are parking spaces for permit holders (restrictions apply Monday to Saturday, 08:00 to 18:00), and double yellow lines. Single yellow lines run along the opposite kerb.

Description of proposal:

The application seeks to vary pre-commencement condition 20 of the previous permission 2023/90394 and is accompanied by the application form only.

The variation sought to this condition is for the replacement of "*Prior to the commencement of **development***" with "*Prior to the commencement of **demolition***".

The applicant has requested this change to allow commencement of development and to enable the applicant to carry out certain works on site, specifically excavation work for the drainage attenuation system.

The current wording of condition 20 states:

*20. Prior to the commencement of **development**, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall demonstrate that a net biodiversity gain will be achieved, and shall include the following details:*

- Purpose and conservation objectives for the proposed works;*
- Review of site potential and constraints;*
- Detailed design(s) and/or working method(s) to achieve stated objectives;*
- Extent and location/area of proposed works on appropriate scale maps and plans;*
- Seasonal timings of works with regards to roosting bats and nesting birds;*
- Replacement bat roosts and/or protection of roost sites, including the roost within the adjacent tree in Ings Grove Park;*
- An appropriate lighting design illustrating how impacts to existing and replacement bat roosts will be minimised;*
- Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges (habitat boxes to be integral to new structures where such opportunities exist);*
- A planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose;*
- Persons responsible for implementing the works;*
- Details of initial aftercare and long-term maintenance; and*
- Details of monitoring and remedial measures.*

The EDS shall set out (where the results from monitoring show that conservation aims and objectives of the EDS 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 scheme. The development shall be implemented in accordance with the approved EDS.

Reason: *In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33, of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details relevant to ecological impact and biodiversity net gain are agreed at an appropriate stage of the development process.*

The applicant's proposed suggested wording of condition 20 would keep it as it is, except for replacing the word 'development' with 'demolition', to read :

20. Prior to the commencement of **demolition**, an *Ecological Design Strategy*...

History of negotiations/amendments received:

An amended application form was requested to ensure the variation relates to the permission (2023/90394) being implemented. This was received.

A Deed of Variation accompanies the application.

Relevant Planning History:

2024/92831 – Discharge of details reserved by condition 16 (CMP) 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 – Details sufficient to discharge condition in part. Decision issued 18/12/2024. A post development road condition survey, identifying any damage caused by construction traffic associated with the development and informing the extent of any remedial works required, will need to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved remedial works will need to be carried out following the completion of all construction works related to the development.

2024/91864 – Discharge of details reserved by conditions 7 (details of levels) and 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 – submitted details considered sufficient to discharge conditions. Decision issued 01/10/2024.

2024/91756 – Discharge of details reserved by conditions 16 (CMP), 18 (Surface Water Discharge), 21 and 22 (Phase II Intrusive Site Investigation Report) of previous permission 2023/90394 for variation condition 2 (plans) on 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 – submitted details considered sufficient to discharge conditions except two elements of condition 16. Decision issued 12/09/2024.

2023/90394 – 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 – granted 06/03/2024 with legal agreement.

2019/94099 – Demolition of existing buildings and erection of a two-storey supported living apartment block (13 apartments) with associated offices, gardens and parking spaces. Granted 10/09/2021 with legal agreement.

Representations:

Final publicity date expired 05/09/2024.

One representation was received. This raises concerns and requested clarity regarding the works to party wall/boundary treatment shared with the application site. The concerns were forwarded to the applicant at the request of the concerned party. Confirmation was received from the applicant, that they had made contact with the concerned party and that the issue was resolved between themselves. However, further concerns were received from the occupiers of an adjacent property. These are not considered to be relevant to this current Section 73 application, and are instead considered under the 2024/91864 Discharge of Conditions application.

No concerns were raised in the relation to the variation proposed under this application.

Cllr comments/queries:

Other than clarification regarding the proposed variations (requested by Cllr Bolt), no other comments/queries were received. Clarification was provided on 26/07/2024.

Consultee responses:

KC Ecology – Pre-application advice was given advising that a Section 73 application would be appropriate to allow for the rewording of condition 20 as set out above.

Policy:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The site is without designation or allocation in the Local Plan.

Relevant Kirklees Local Plan (LP) policies:

LP24 – Design
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP33 – Trees

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Assessment:

Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of applications to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

The principle of self-contained apartments (use class C3) specifically to cater for adults with a social care need (i.e., adults with learning disabilities or autism, or a physical disability or long-term health condition), providing residential accommodation that allows a relatively high degree of independent living, has previously been accepted under the 2021 permission (2019 application).

The assessment below will relate solely to the variations to the wording of the condition 20 as set out above.

As the proposed variation would amend the wording of condition 20 to allow certain works to proceed before an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority, consideration is to be given to whether this could potentially raise concerns regarding biodiversity and any protected species on or adjacent to the site.

Details submitted with the 2019 application included an Ecological Impact Assessment Report (EclA), as well as detailed information regarding bat activity in and around the site. This indicated a high level of bat activity on and adjacent to the site, with a common pipistrelle bat roost located in an adjacent tree within Ings Grove Park and two bat roosts confirmed within Building 2. The roosts within the building were indicated to be of a common pipistrelle roost and soprano pipistrelle roost. The applicant’s EclA recommended a number of actions, however this did not equate to adequate mitigation for the resulting loss of bat roosts from the site. In addition, further information was required regarding how the bat roost within the adjacent park would be protected during the construction and operational stages of the development. Consequently, KC Ecology recommended a condition to require the submission of this further information prior to demolition commencing.

The description of the proposals as approved under the initial permission includes demolition of existing buildings. The current wording of condition 20

prevents any commencement of development until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority.

As stated above, the applicant requests the rewording of the condition to allow commencement of development and to enable the applicant to carry out certain works on site, specifically excavation work for the drainage attenuation system with no risk to any of the ecological matters outlined within condition 20. As the applicant's request for rewording is "prior to demolition commencing" it is not considered that there would be any direct impact on the potential bat roost previously indicated in building 2.

In principle, the rewording of condition 20 to "prior to demolition" would maintain the current requirements outlined in the wording of condition 20 in full while extending the timeframe sufficiently for the applicant to complete the required surveys and reports needed to complete the Ecology Design Strategy and submit a Discharge of Condition application.

However, it is not recommended that condition 20 be reworded in precisely the way that the applicant has requested. Instead, "Prior to the demolition of the buildings..." wording is recommended by officers, to allow some on-site structures (other than buildings) to be cleared. These structures are not ecologically significant. The proposed officer rewording of condition 20 was included in the conditions shared with (and agreed by) the applicant.

Additionally, the applicant has on request provided a Bat Emergence Survey they have recently had commissioned in preparation for the discharge of condition application for condition 20. This report concludes that the recent survey did not record any current use of the buildings by roosting bats. However, the buildings may still be used as a feeding perch by foraging bats.

To summarise, the rewording of condition 20 as proposed by officers would still ensure that details relevant to ecological impact and biodiversity net gain are agreed (prior to demolition of the existing buildings) at an appropriate stage of the development process to accord with the relevant Local Plan policies and guidance in the NPPF.

Planning obligations (Deed of Variation to the original S106/S111 agreement):

A Section 106/111 legal agreement forms part of the original permission. This sets out requirements for a number of obligations to be met. These include:

- 1) Affordable housing – 13 affordable housing units to be provided in perpetuity;
- 2) £10,000 contribution towards bus stop displays;
- 3) Management – Arrangements for the management and maintenance of any land not adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker); and

4) Biodiversity – Contribution (amount to be confirmed) towards offsite measures to achieve biodiversity net gain.

A deed of variation to the original legal agreement which would seek to secure the obligations (in line with the original legal agreement) in connection with this current Section 73 variation application has been received. This has now been considered by the council's solicitor and officers are satisfied that the planning obligations previously secured would be completed. The deed of variation has been viewable online since 09/09/2025.

Conditions:

It is recommended that a number of conditions be reworded/deleted to take into account the sufficient details submitted and accepted under earlier Discharge of Condition applications (2024/91756 and 2024/91864) which have been considered parallel to this application. These applications relate to conditions 7, 16, 17, 18, 21 and 22. Minor errors in the wording of the original conditions can also be corrected.

All other conditions will remain (where these have previously not been discharged). No amendments are necessary to the plans and specifications schedule. Footnotes will be included with direct links to the relevant discharge of condition applications, in relation to conditions 7, 16, 17, 18, 21 and 22.

Condition 1 of the 2023/90394 permission will no longer be necessary as development was implemented subsequent to decisions made on a number of discharge of condition applications.

Condition 20 is to be reworded as set out above.

Condition 21 of the 2023/90394 permission can be deleted as the findings of the Stage 2 Environmental Report authored by ARP Geotechnical Ltd dated 22/01/2020 (ref: CNN/01r2) considered under Discharge of Conditions application 2024/91756 were considered acceptable and addressed the requirements of this condition.

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 variation of condition 20

Decision Authorisation – Delegated Powers

Application Number – 2024/ 92006

Officer Recommendation – Approve variation of conditions

Conditions and Reasons:

1. Deleted.

2. The development hereby approved 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be carried out only by Connect Housing Association and shall be occupied only by adults with a social care and/or housing support need (whereby “housing support” is defined as per the definitions of “support” and “supported housing” set out in the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016) and who require affordable housing.

Reason: To ensure the residential accommodation hereby approved is retained for the intended user group and to prevent the development being occupied by a different, specified user group or as general needs housing without a further planning application being submitted and without the planning implications of such a change being formally considered.

4. The first floor office, as shown on drawing 501 01-BBA-01-01-DR-A-0211 rev P04, shall be used only by support staff and residents for administration work, case conferences, staff breaks and other uses ancillary to the residential use hereby approved, and shall not be put to a separate Class E use (as defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or used by any external organisation or for functions.

Reason: To ensure the first floor office space remains ancillary to the residential use hereby approved, in the interests of amenity and to ensure additional parking demand is not introduced.

5. Prior to superstructure works commencing, details and samples of all external materials (including window materials) shall be left on site for inspection by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the details approved in writing by the Local Planning Authority. No external materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

6. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul

pipes, vents, burglar alarm boxes, satellite dishes and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

7. Prior to occupation, the development shall be carried out and completed in accordance with the approved boundary treatments shown on drawings:

- 19303-DCE-XX-XX-D-C-150 rev P02 – ‘Proposed external levels’ – dated 27/06/2024, received 03/07/2024, by Dudleys Consulting Engineers
- 50101-BBA-90-X00-DR-A-0002 rev P03, dated 25/09/2024, titled ‘Proposed Boundary Treatment plan’, by BBA Brewster Bye Architects
- 50101-BBA-90-Z00-DR-A-0003 rev P02, dated 09/09/2024, titled ‘Proposed Boundary Treatment Details’, by BBA Brewster Bye Architects
- 19303-DCE-XX-XX-D-C-160 rev P02, dated 09/09/2024, titled ‘Proposed Site Boundary Sections’, by Dudleys Consulting Engineers

and shall be retained thereafter in accordance with these details.

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.

8. Prior to occupation of the development hereby approved, details of measures to prevent and deter crime and anti-social behaviour in line with the advice of the Designing Out Crime Officer, dated 20/03/2023, shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of lighting, boundary treatments and landscaping corresponding with details to be provided pursuant to conditions 7 and 9.

Reason: In the interests of preventing crime and anti-social behaviour and to accord with Policy LP24 of the Kirklees Local Plan.

9. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- a) Details of existing and proposed levels, and regrading;
- b) Species schedule and planting plans;
- c) Details of initial aftercare and long-term maintenance;
- d) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails, dies, is removed or becomes diseased within the first five years from completion; and
- e) Details (including samples, if requested), of paving and other hard surface materials.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

10. The development hereby approved shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement (ref: JCA, 14607-F/AJB), pursuant to planning permission 2019/94099. 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 Policies LP24 and LP33 of the Kirklees Local Plan.

11. Details of any additional tree works required during the construction process, that are not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan.

12. Prior to the occupation of any part of the development hereby approved, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government and Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/05/2009 (ISBN 9781409804864) as amended or superseded, and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

13. Prior to development commencing on the superstructure of the development hereby approved, the design and construction details of all permanent highway retaining structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

14. The development hereby approved shall not be occupied prior to the provision of the cycle parking shown on drawing 501 01 – BBA-01-00-DR-A-0201, rev P04. The cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to encourage the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

15. Prior to the installation of the electrical system of the development hereby approved a scheme detailing the dedicated facilities to 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:

- One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces

Dwellings 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. The charging points installed shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

16. The development shall be carried out in complete accordance with the details

approved pursuant to discharge of condition applications 2024/91756 and 2024/92831, namely the approved:

- Revised Construction Environment Management Plan(CEMP) - received 20/08/2024 (2024/91756);
- Drawing ref: 501/01(09)002, Rev E Construction Management Plan, dated 22/11/2023 (2024/91756);
- Demolition Stage Parking Plan - received 06/09/2024 (2024/91756);
- Substructure Stage Parking Plan - received 06/09/2024 (2024/91756);
- Superstructure Phase Parking Plan - received 06/09/2024 (2024/91756);
- Traffic management, on & off-street parking & cleaning addendum to CEMP - received 06/09/2024, (2024/91756); and
- Traffic Management, On & Off-Street Parking, Cleaning & Temp Lighting Addendum to CMP, received 03/10/2024 (2024/92831)

during the site clearance, demolition, construction stage. Upon completion of the development, post-development road condition surveys and a schedule of

remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development and before occupation of any of the development.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24, LP27 and LP52 of the Kirklees Local Plan.

17. The approved temporary surface water drainage pursuant to application reference 2024/91864 shall be fully implemented during the construction phase (after soil and vegetation strip) 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.

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.

18. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme pursuant to application reference 2024/91756 approved on 12/09/2024, has been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

19. The development hereby approved shall be provided with separate systems of drainage for foul and surface water and these systems shall be completed prior to any piped discharge of surface water from the development.

Reason: In the interests of satisfactory and sustainable drainage and so as to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan.

20. Prior to the demolition of the buildings, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall demonstrate that a net biodiversity gain will be achieved, and shall include the following details:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Seasonal timings of works with regards to roosting bats and nesting birds;
- Replacement bat roosts and/or protection of roost sites, including the roost within the adjacent tree in Ings Grove Park;

- An appropriate lighting design illustrating how impacts to existing and replacement bat roosts will be minimised;
- Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges (habitat boxes to be integral to new structures where such opportunities exist);
- A planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance; and
- Details of monitoring and remedial measures.

The EDS shall set out (where the results from monitoring show that conservation aims and objectives of the EDS 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 scheme. The development shall be implemented in accordance with the approved EDS.

Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33, of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

21. Deleted.

22. Remediation of the site shall be carried out in accordance with the approved:

- Stage 2 Environmental Report authored by ARP Geotechnical Ltd dated 22nd January 2020 (ref: CNN/01r2), and
- Revised Contamination Remediation Statement authored by ARP Geotechnical Ltd dated 16/08/2024 (ref: CNN/01rem2),

Pursuant to discharge of condition application 2024/91756.

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

23. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 22. 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 two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

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

25. Prior to the occupation of the development hereby approved, all windows shall be fitted with a sound reduction performance of 25dB Rw and acoustic trickle vents.

Reason: In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.

26. Flat 10 at first floor level, as shown on drawing ref. 501 01-BBA-01-01-DR-A-0211, Rev P04, shall not be occupied until the windows serving the bathroom and kitchen area facing the gable of 5 St Paul's Road have been installed with obscure glazing and shall thereafter be retained in such glazing.

Reason: To protect the amenities of the future residents of flat 10 and not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

27. Prior to occupation of any of the development, the external bin storage area as shown on drawing 501 01 – BBA-01-00-DR-A-0201, rev P04, shall be completed in accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter retained operational in accordance with the approved details

Reason: In the interests of amenity, highway safety and to accord with Policy LP24 part d (vi) of the Kirklees Local Plan.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of building, structures or roads shall not take place outside the hours of:

07:30 and 18:30 hours Mondays to Fridays

08:00 and 13:00 hours Saturdays

With no working on Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974 (Section 60), Kirklees Council can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: For the avoidance of doubt regarding condition 3, the definitions of “support” and “supported housing” set out in the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016) are:

“support” includes—

- (a) sheltered accommodation,*
- (b) extra care housing,*
- (c) domestic violence refuges,*
- (d) hostels for the homeless,*
- (e) support for people with drug or alcohol problems,*
- (f) support for people with mental health problems,*
- (g) support for people with learning disabilities,*
- (h) support for people with disabilities,*
- (i) support for offenders and people at risk of offending,*
- (j) support for young people leaving care,*
- (k) support for teenage parents,*
- (l) support for refugees*

“supported housing” means low cost rental accommodation provided by a registered provider which—

- (a) is made available only in conjunction with the supply of support,*
- (b) is made available exclusively to residents who have been identified as needing support, and*
- (c) falls into one or both of the following categories—*
 - (i) accommodation that has been designed, structurally altered or refurbished in order to enable residents to live independently,*
 - (ii) accommodation that has been designated as being available only to individuals within an identified group with specific support needs.*

NOTE: With regard to conditions 16, 18, 21 and 22 above, see link below for details approved pursuant to discharge of condition application 2024/91756:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f91756>

NOTE: With regard to condition 16, see link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f92831>

NOTE: With regard to conditions 7 and 17 above, see link below for details approved pursuant to discharge of condition application 2024/91864:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f91864>

[NOTE: With regard to condition 10 see link to planning permission 2019/94099:](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f94099)
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f94099>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			30/08/2024
Existing site location plan	501/01(02)001	rev A	19/12/2019 (2019/94099)
Proposed site plan	501 01 – BBA-01-00-DR-A-0201	rev P04	22/11/2023
Proposed elevations	501 01 BBA 01 01 DR A 0220	rev P04	17/11/2023
Proposed ground floor plan	501 01 BBA 01 00 DR A 0210	rev P05	17/11/2023
Proposed first floor plan	501 01 BBA 01 01 DR A 0211	rev P04	17/11/2023
Proposed roof plan in context	501 01 BBA 01 01 DR A 0212	rev P04	17/11/2023
Proposed roof plan	501 01 BBA 01 01 DR A 0213	rev P03	17/11/2023
Flat type A	501 01 BBA 01 XX DR A 0215	rev P02	17/11/2023
Flat type B	501 01 BBA 01 XX DR A 0216	rev P03	17/11/2023
Flat type C	501 01 BBA 01 XX DR A 0217	rev P03	17/11/2023
Proposed street elevations and sections	501.01(02)052	rev D	17/11/2023
Proposed boundary treatments	501.01(90)002	rev E	22/11/2023
Proposed drainage layout	110	rev P1	17/07/2020 (2019/94099)
Drainage details sheet 1	125	rev P1	16/07/2020 (2019/94099)
Drainage details sheet 2	126	rev P1	16/07/2020 (2019/94099)
Proposed tree constraints plan	501/01(02)013	rev A	19/12/2019 (2019/94099)
Transport Statement	TPS, P1384_20191128, 28/11/2019	Issue 1	24/12/2019 (2019/94099)
Flood Risk Assessment	ARP, 2071/01r1, 23/01/2020		03/02/2020 (2019/94099)
Drainage calculations	Dudleys, CAL01(A), July 2020		16/07/2020 (2019/94099)

Plan Type	Reference	Version	Date Received
Application form			30/08/2024
Existing site location plan	501/01(02)001	rev A	19/12/2019 (2019/94099)
Project Sustainability Appraisal	Brewster Bye		18/02/2020 (2019/94099)
Preliminary Ecological Appraisal and Bat Scoping Report	JCA, 14607b/JB, 15/04/2019		19/12/2019 (2019/94099)
Ecological Impact Assessment Report	JCA, 14607c/JB, 30/10/2019		19/12/2019 (2019/94099)
Bat Survey and Report	JCA, 14607d/JB, 19/07/2019		08/01/2020 (2019/94099)
Arboricultural Report	JCA, 14607/AJB, 21/12/2018		19/12/2019 (2019/94099)
Arboricultural Impact Assessment	JCA, 14607-A/AJB, 22/11/2019		19/12/2019 (2019/94099)
Arboricultural Method Statement	JCA, 14607-F/AJB, 03/06/2020		04/06/2020 (2019/94099)
Stage 1 Desk Study Report	ARP, CNN/01r1, 22/11/2019	V1 FINAL	24/12/2019 (2019/94099)
Assessment of Potential Noise Impact	Hepworth Acoustics, P19-503-R01v1	v1	24/12/2019 (2019/94099)
Design & Access Statement	Revised		09/11/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015, and otherwise actively engaged with the applicant in dealing with the application. The council engaged with the applicant to secure further details and to ensure relevant planning considerations were appropriately addressed.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

NOTE: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

NOTE: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Report Dated: 11/09/2025