

**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**

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| Reference No: | 2024/44/92831/E |
| Site Address: | Kirklees Council Depot, 1-3, St Paul's Road, Mirfield, WF14 8AX |
| Description: | 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 |
| Recommending Officer: | Farzana Tabasum |

DECISION – Discharge of Condition – 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: 16/12/2024

Further to the council's letter dated 12/09/2024 with reference to application 2024/91756, the applicant has submitted additional details in relation to the outstanding matters for pursuant to condition 16 of planning permission 2023/90394. The outstanding matters are details of:

- Pre-development road condition surveys; and
- Artificial lighting to be used during construction works

The application is accompanied by:

- Pre-effective Start Dilapidation Survey, dated 05/09/2024, received 03/10/2024
- Condition 16 – Traffic Management, On & Off-Street Parking, Cleaning & Temp Lighting Addendum to CMP, received 03/10/2024
- 1 of 3 Delap/Condition Survey – Left Hand Side Footpath, dated 22/10/2024, received 23/10/2024
- 2 of 3 Delap/Condition Survey – Right Hand Side Footpath, dated 22/10/2024, received 23/10/2024
- 3 of 3 Delap/Condition Survey – Carriageway, dated 22/10/2024, received 23/10/2024

Condition 16 states:

16. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a timetable of all works and details of:

- *point(s) of access for construction traffic*
- *construction vehicle sizes and routes;*
- *times of construction vehicle movements;*
- *parking for construction workers;*
- *signage;*
- *pre-development road condition surveys;*
- *wheel washing facilities within the site;*
- *road sweeping in the event that debris from the site are spread onto the highway;*
- *artificial lighting to be used during construction works;*
- *hours of working;*
- *dust suppression measures; and*
- *measures to control noise and vibration from construction-related activities.*

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

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.*

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, to avoid increased flood risk, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

Assessment:

The submitted pre-development road condition surveys have been assessed and are considered by the Highways Development Management (HDM) team who confirmed the details submitted provide sufficient detail to enable discharge of this element of the condition. However as previously stated, the purpose of the pre-development condition survey is to record the current condition of the highway, which will be compared with the post-development condition survey to help identify and determine any damage caused by construction traffic associated with the development and inform the extent of any remedial works required. This part of the condition will remain to be discharged.

With respect to artificial lighting to be used during construction works, Section 12 of the submitted '*Traffic Management, On & Off-Street Parking, Cleaning & Temp Lighting Addendum to CMP*' now includes details of artificial lighting to be used during the demolition, sub structure and super structure phases of the work being carried out on site. HDM are satisfied with these details and subject the works being carried out in accordance with these details, this element of the condition will be satisfied.

DECISION TEXT

Further to the council's letter dated 12/09/2024 with reference to application 2024/91756, you have submitted additional details in relation to the two outstanding matters pursuant to condition 16 of planning permission 2023/90394. The outstanding matters are details of:

- Pre-development road condition surveys; and
- Artificial lighting to be used during construction works

The application is accompanied by:

- Pre-effective Start Dilapidation Survey, dated 05/09/2024, received 03/10/2024
- Condition 16 – Traffic Management, On & Off-Street Parking, Cleaning & Temp Lighting Addendum to CMP, received 03/10/2024
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The submitted details are considered acceptable and are hereby approved.

Please be reminded that, to satisfy condition 16, works carried out on site must adhere to these approved details and those details previously approved under planning reference 2024/91756:

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

To fully discharge condition 16 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.