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:	**2025/44/92741/E**
Site Address:	298, Whitechapel Road, Scholes, Cleckheaton, BD19 6HW
Description:	Discharge of details reserved by conditions 4 (Remediation Strategy), 9 (CMP), 10 (visibility splays), 11 (estate roads), 12 (noise) on previous permission 2022/91299 for erection of residential development of nine dwellings
Recommending Officer:	Emma Thompson

DECISION – DISCHARGE OF CONDITION APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 23-Jan-2026

Officer report: 2025/92741
Application site: 248 Whitechapel Road, Scholes, Cleckheaton
Proposal: Discharge of details reserved by conditions 4 (Remediation Strategy), 9 (CMP), 10 (visibility splays), 11 (estate roads), 12 (noise) on previous permission 2022/91299 for erection of residential development of nine dwellings

Assessment:

Condition 4 (Remediation strategy) is worded as follows:

> *4. Groundworks shall not commence until a Remediation Strategy by a suitably competent person 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: This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.*

Environmental Health have been reconsulted on a submitted letter/report by Haigh Huddleston Associates, dated 18 December 2025, ref: E21/7893/MD/03A. The letter titled “Remediation Method Statement for Chairbarrows Farm, updates the earlier remediation strategy. Section 3 outlines the treatment of the hotspot area identified at the site, with removal of contaminated soil to a licensed facility and further sampling of the area to ensure all contaminated soils/subsoils are removed in accordance with good practice guidance.

The report goes on to list validation requirements, we anticipate a robust report being submitted to discharge condition 5 in the future when the remediation of the site is complete.

Based on the professional judgement of Haigh Huddleston Associates, in the letter/report, dated 18 December 2025, ref: E21/7893/MD/03A, Environmental Health have no objection to the discharge of Condition 4.

It is therefore recommended that condition 4 be discharged.

Condition 9 (Construction management plan) is worded as follows:

> *9. Prior to commencement of development including demolition and groundworks, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the LPA. The CMP shall include a timetable of all works, details of point(s) for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers, signage, wheel washing facilities within the*

site, lighting during construction works, hours of working, details of dust, noise and vibration suppression measures. The development shall be carried out in accordance with the CMP.

The submitted highways details include details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers pre-development road condition surveys, wheel washing facilities within the site. This is set out in submitted information Construction Method Statement (ref: GFWR-MWA-XX-XX-RP-A-0002) & Road Condition Survey (ref: 2060). Highways Development Management have been consulted and consider the details submitted relating to the above listed matters to be acceptable and have no objection to the discharge of this condition.

It is therefore recommended that condition 9 be discharged.

Condition 10 (Visibility splay drawing) is worded as follows:

10. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed 2.4 x 43m visibility splays as shown on the approved plan and shall be cleared of all obstructions.

Plan number E21/7893/041 (Temporary Entrance Visibility Plan) shows the wall at the site entrance removed to provide the required visibility on to Whitechapel Road. This condition is however a pre- development commencement condition requiring that the wall to the site frontage shall be set back to the rear of the proposed 2.4 x 43m visibility splays and tarmac surfaced. Whilst the proposals could be considered acceptable as a temporary measure this condition cannot be discharged until the permanent works are shown to have been undertaken.

The details are acceptable for the purpose of the condition but it cannot be discharged until the permanent works are undertaken.

<u>Condition 11 (estate road & drainage) is worded as follows:</u>

11. No development shall take place until a scheme detailing the proposed internal estate roads have been submitted to and approved in writing by the LPA. The scheme shall include full sections, drainage works, street lighting, signage, surface finishes and the treatment of site lines, together with an independent safety audit covering all aspects of work.

The submitted details have been considered by KC Highways DM and comments referred to Highway's Section 38 Team. As the development is to remain private and managed as such the details would not be subject to the S38 process. Notwithstanding this point, it is considered that the requirement

of condition 11 remains insofar as it requires full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work to be submitted. This has been submitted as part of this application. The scheme which is submitted is considered acceptable for the purposes of this condition which is recommended to be discharged. It is a requirement of this condition that before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter

Condition 12 (noise assessment) is worded as follows:

> *12. Before construction work commences a report specifying the measures to be taken to protect the development from noise sources that are likely to affect the proposed development including road traffic and commercial premises shall be submitted to and approved in writing by the LPA. The report shall: (a) Determine the existing noise climate (b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if req'd). 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.*

A Noise Impact Assessment by ENS dated 15 May 2025 Ref NIA-12030-25-12247- Whitechapel Road (final).docx has been submitted. It identifies the location of the proposal along with the neighbouring uses.
Noise monitoring was carried out on Monday the 7th through to Tuesday the 8th of April 2025 from 3no. measurement positions as shown in Appendix 2 and a summary of the findings is given in table 3.1. Comment is made the ambient noise climate at the site is dominated by distant road traffic on the M62 motorway and local traffic on Whitechapel Road, with no other significant noise sources noted.

In order to meet with the internal requirements of BS8233, glazing and acoustic vents to bedrooms and other habitable rooms is specified in para 4.2. Whist not within our remit, a recommendation is made that all plots are provided with a decentralised mechanical extract ventilation (dMEV) system with comment made that internal noise levels due to mechanical ventilation plant should not exceed 26 dB(A) in bedrooms and 30 dB(A) in living rooms. Externally, mitigation in the form of solid timber or brick walls is recommended to plots 4-9 as shown in Appendix 3 and a minimum specification and construction methodology is given. A caveat is given by the author stating whilst the guideline levels may still be exceeded in areas in close proximity to the M62, BS8233 recognises that the upper guideline limit of 55 dB LAeq (0700-2300) may not be achievable, stating that 'However, it is also

recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.' This reasoning is accepted.

The submitted information is accepted for the purpose of condition 12 on the basis all of the mitigation measures recommended within the Noise Impact Assessment by ENS dated 15 May 2025 Ref NIA-12030-25-12247-Whitechapel Road (final).docx are implemented and retained thereafter. The details are acceptable for discharging the condition which is discharged. It is a requirement of this condition that no dwelling be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained

Decision Notice Text

<u>Condition 4:</u>

Environmental Health have been reconsulted on a submitted letter/report by Haigh Huddleston Associates, dated 18 December 2025, ref: E21/7893/MD/03A. The letter titled "Remediation Method Statement for Chairbarrows Farm, updates the earlier remediation strategy. Section 3 outlines the treatment of the hotspot area identified at the site, with removal of contaminated soil to a licensed facility and further sampling of the area to ensure all contaminated soils/subsoils are removed in accordance with good practice guidance.

The report goes on to list validation requirements, we anticipate a robust report being submitted to discharge condition 5 in the future when the remediation of the site is complete.

Based on the professional judgement of Haigh Huddleston Associates, in the letter/report, dated 18 December 2025, ref: E21/7893/MD/03A, Environmental Health have confirmed they have no objection to the discharge of Condition 4. This Condition is therefore discharged on the basis of the submitted information.

<u>Condition 9:</u>

The submitted highways details include details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers pre-development road condition surveys,

wheel washing facilities within the site. This is set out in submitted information Construction Method Statement (ref: GFWR-MWA-XX-XX-RP-A-0002) & Road Condition Survey (ref: 2060). Highways Development Management have been consulted and consider the details submitted relating to the above listed matters to be acceptable and have no objection to the discharge of this condition. This condition is therefore discharged on the basis of the submitted information insofar as it relates to the Construction Management Plan which is required by this condition to be carried out in accordance with the plan throughout the period of construction.

It remains a requirement of this condition that a post development road condition survey and a schedule of remedial works be submitted to and approved in writing by the Local Planning Authority and this element of condition 9 therefore remains.

Condition 10:

Plan number E21/7893/041 (Temporary Entrance Visibility Plan) shows the wall at the site entrance removed to provide the required visibility on to Whitechapel Road. This condition is however a pre- development commencement condition requiring that the wall to the site frontage shall be set back to the rear of the proposed 2.4 x 43m visibility splays and tarmac surfaced. Whilst the proposals could be considered acceptable as a temporary measure this condition cannot be discharged until the permanent works are shown to have been undertaken.

The details are acceptable for the purpose of the condition but it cannot be discharged until the permanent works are undertaken.

Condition 11:

The submitted details have been considered by KC Highways DM and comments referred to Highway's Section 38 Team. As the development is to remain private and managed as such the details would not be subject to the S38 process. Notwithstanding this point, it is considered that the requirement of condition 11 remains insofar as it requires full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work to be submitted. This has been submitted as part of this application. The scheme which is submitted is considered acceptable for the purposes of this condition which is recommended to be discharged. It is a requirement of this condition that before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter

Condition 12:

The submitted information is accepted for the purpose of condition 12 on the basis all of the mitigation measures recommended within the Noise Impact Assessment by ENS dated 15 May 2025 Ref NIA-12030-25-12247-Whitechapel Road (final).docx are implemented and retained thereafter.
The details are acceptable for discharging the condition which is discharged.
It is a requirement of this condition that no dwelling be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained