

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2014/60/92535/W

Site Address: Shop Lane, Kirkheaton, Huddersfield, HD5 0DB

Description: Outline application for erection of 48 dwellings,
formation of access and associated infrastructure

Recommending Officer: Bill Topping

DECISION – S106 Outline Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 14/07/16 and the committee decision authorisation sheet recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 11-Apr-2018

Decision Authorisation – Committee Decision

Committee: Strategic Committee

Date of Committee: 14/7/16

Application Number: 2014/92535

Officer Recommendation: Outline approval subject to a Section 106 Agreement, and referral to the HSE

Committee Decision: As per Officer Recommendation.

Events since the Committee

Details of the recommendation were referred to the Health and Safety Executive in accordance with paragraph 072 of the National Planning Guidance. Letter sent. 21/7/16

HSE Response 8/8/16. No intervening or exercising its option to call the application in.

Section 106 negotiated and agreed. (Signed 28/3/18). Legal have confirmed the receipt of this.

Heads of Terms:-

Affordable Housing. 20% of units for starter homes. To be provided before the occupation of 50% of the open market dwellings.

POS- Off site contribution £129,950.00 to be provided before the occupation of 50% of the open market dwellings;

On site- provision before the occupation of 50% of the open market dwellings, maintenance transferred to a Management Company, following inspection and approval by the LPA.

Education Contribution- £113,891 to be provided before the occupation of 50% of the open market dwellings.

Extension of time agreed until 13/4/18

Conditions and Reasons

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1. Approval of the details of the layout, scale, appearance and landscaping of the site (herein called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced

Reason. None of the details of the matters referred to have been submitted they are reserved for subsequent approval of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason. None of the details of the matters referred to have been submitted they are reserved for subsequent approval of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason. Pursuant to Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Pursuant to Section 92 of the Town and Country Planning Act 1990.

5. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works at the site access junction with Shop Lane and with Orchard Road (with reference to drawing no. P09:4266.01 Rev A) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

Reason. In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. The development shall not be brought into use until visibility splays of 2.4 m x 43 m in both directions along Shop Lane at the site access junction in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, the visibility splays shall be retained throughout the lifetime of the development.

Reason. In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. Before the development commences a scheme detailing suitable boundary treatments to those parts of the development abutting footpath Kirkburton 255 shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason. In the interests of visual amenity and highway/pedestrian safety, in accordance with Policies BE2, T10 and T16 of the Kirklees Unitary Development Plan.

8. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to both the existing and new public highway shall be submitted to and approved in writing by the Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason. In the interests of pedestrian safety and to accord with Policies T10 and T16 of the Kirklees Unitary Development Plan.

9. 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. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason. In the interests of the free and safe use of the highway, in accordance with Policy T10 of the Kirklees Unitary Development Plan.

10. Development 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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

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. 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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

15. Prior to development commencing a noise attenuation scheme relating to dwellings which front onto Shop Lane and also the rear elevations and garden areas of dwellings to the NE corner of this site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings concerned.

Reason. In the interests of residential amenity of future residents and to accord with Policy EP4 of the Kirklees Unitary Development Plan.

16. The development shall not commence until an assessment of the effects of 1 in 100 years storm events, with an additional allowance for climate change, upon drainage infrastructure and surface water run off pre and post development between the development and the surrounding area in all directions shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained throughout the lifetime of the development.

Reason. In the interests of the satisfactory drainage of this site, and to accord with the guidance contained in Part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

17. Notwithstanding the submitted detail, no development shall commence until details of the on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the scheme.

Reason. In the interests of the satisfactory drainage of this site, and to accord with the guidance contained in Part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change”.

18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason. In the interests of the satisfactory drainage of this site, and to accord with the guidance contained in Part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change”.

19. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason. In the interests of the satisfactory drainage of this site, and to accord with the guidance contained in Part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change”.

20. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason. In the interests of the satisfactory drainage of this site, and to accord with the guidance contained in Part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change”.

21. Prior to the commencement of development, details of a bio-diversity habitat enhancement scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details and potential locations for bat / bird roost opportunities within the new development and surrounding retained trees. The approved scheme shall be implemented prior to the first occupation of any dwellings / plots containing such opportunities.

Reason. To accord with the guidance contained in Part 11 of the National Planning Policy Framework. ”Preserving and enhancing the natural environment “.

22. Prior to development commencing a scheme detailing the provision of electric charging points across the site, shall be submitted for the approval of

the Local Planning Authority. The approved details shall be implemented in accordance with an agreed timetable.

Reason. To accord with the guidance contained in Part 11 of the National Planning Policy Framework “Preserving and enhancing the natural environment”.

23. Where European Protected Species(eps) may be affected by a development and it can be demonstrated that an Natural England EPS licence will not be required, a written method statement(based on the format of Natural England’s EPS licence application method statement) detailing how the development shall be completed without harm to any EPS and without loss or detriment to the wildlife habitat used by the said species, shall be submitted to and approved by the Local Planning Authority before development commences. The development shall be carried out in accordance with the agreed method statement.

Reason. To accord with the guidance contained in Part 11 of the National Planning Policy Framework” Preserving and enhancing the natural environment”.

Report Dated:

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| 10/4/18 |
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