

**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:** 2016/60/92664/E  
**Site Address:** Oak Mill, Cliff Hollins Lane, East Bierley, BD12 7ER  
**Description:** Outline application for residential development  
**Recommending Officer:** Emma Thompson

**DECISION – CONDITIONAL OUTLINE PERMISSION SUBJECT TO S106  
AGREEMENT**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and update reported to the Strategic Planning Committee on 10<sup>th</sup> August 2017 and the Committee Decision Authorisation annexed below in respect of the above matter.**

Julia Steadman

***AUTHORISED OFFICER***

**Date: 02-Sep-2019**

## **Decision Authorisation – Committee Decision**

**Committee:** Strategic Committee

**Date of Committee:** 10<sup>th</sup> August 2017

**Application Number:** 2016/92664

**Officer Recommendation:** Conditional Outline Permission subject to s106

**Committee Decision:** Conditional Outline Permission subject to s106

### **Summary of Committee Decision**

Members resolved to approve the application in line with the Officer recommendation (agenda and update)

### **UPDATE CONDITIONS:**

*Additional Conditions, as referred to in the update:*

Details of the developable and undeveloped balance of the site will be submitted at Reserved Matters to accord with proposed site plan PL-003 Rev.

Any existing buildings / structures located outside of the developable area shall be removed from the site and the land landscaped accordingly.

Reason: To improve/protect the openness of the Green Belt and for the avoidance of doubt at Reserved matters stage.

**29<sup>th</sup> August 2019:**

**Following the signing and issuing of the s106 the decision can be issued. The conditions and reasons have been updated accordingly.**

### **Conditions and Reasons**

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

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing 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:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of reserved matters 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, as amended by the Planning and Compulsory Purchase Act 2004.

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 or 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, as amended by the Planning and Compulsory Purchase Act 2004.

5. The development hereby permitted 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24, LP11 and LP59 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

6. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report ref: NIA/7007/16/6954v2/Bierley dated 10 February 2017 produced by ENS :-

I. shall be completed; and

II. written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise

Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use

**Reason:** To ensure that appropriate investigations and assessments are carried out on site prior to occupation in order to protect the amenity of future occupants and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework.

7. 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 that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy LP53 of the Kirklees Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 7 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Mugen Geo report ref 1606 BD197ER dated June 2016 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. 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 that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. 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 approved 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 that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Prior to development commencing on the superstructure of any dwelling, a scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to occupation of the development.

**Reason:** To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework and Policy LP1 of the Kirklees Local Plan.

12. Prior to development commencing on the superstructure of any dwelling, an Ecological Design Strategy to include mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented.

**Reason:** In the interests of visual amenity and to enhance the biodiversity of the area and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework.

13. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, stand-off distances, outfalls, discharge rates to be agreed with the Lead Local Flood Authority/Local Planning Authority, balancing works for the critical 1 in 30 and 1 in 100 year storm events, climate change, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, maintenance and management plans for surface water sustainable drainage systems) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP1 of the Kirklees Local Plan as well as the aims of Chapter 14 of the National Planning Policy Framework.

14. Development shall not commence until a scheme detailing the enclosure or bridging of the watercourse at the point(s) of access or within the site and compensatory watercourse works, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped or bridged section of watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works and compensatory watercourse works comprising the approved scheme have

been completed. The maintenance and management regimes shall be implemented thereafter.

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP1 of the Kirklees Local Plan as well as the aims of Chapter 14 of the National Planning Policy Framework.

15. The development shall be carried out in accordance with surface water flooding mitigation measures identified on drawing ref 116/02/A4 February 107 "Indicative Surface Water Drainage Scheme", notably,

- Boundary Swales
- Kerb Drainage Cliff Hollins Lane
- Gridded Drainage Cliff Hollins Lane
- Formal outfalls

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP1 of the Kirklees Local Plan as well as the aims of Chapter 14 of the National Planning Policy Framework.

16. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP1 of the Kirklees Local Plan as well as the aims of Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition as effective drainage is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

17. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved

permanent surface water drainage system 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 this phase and to limit the siltation of any on site surface water features and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition as effective drainage is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

18. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 2.0m wide footway and road widening to 5.5 metres to the Cliff Hollins Lane frontage of the development site, construction specification, surfacing, drainage, kerbing, street lighting and structural works to the bridge parapet and supporting structure together with an independent Safety Audit covering all aspects of the work has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained.

**Reason:** In the interests of highway and pedestrian safety, to ensure adequate space at the access and within the site for vehicular movements, in accordance with Policy LP21 of the Kirklees Local Plan.

19. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls / structures near or abutting the highway have been submitted to and approved in writing by the Local Planning Authority (in consultation with Highway Structures). Thereafter the development shall not be brought into use until the approved works have been constructed. The said works shall be maintained thereafter.

**Reason:** To ensure that any new retaining structures do not compromise the stability of the highway in the interest of highway safety and efficiency in accordance with Policy LP21 of the Kirklees Local Plan.

20. Prior to development 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. Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

**Reason:** This is a pre commencement condition in order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings in addition to ensuring adequate provision of access during the construction of the development in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

21. Details of the developable and undeveloped areas of the site shall be submitted at Reserved Matters (Layout and Landscaping) to accord with proposed site plan PL-003 Rev C.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion in addition to reducing any impact on the openness of the Green Belt, and to accord with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of Chapter 13 of the National Planning Policy Framework.

22. Pursuant to details approved under condition 21 (above), any existing buildings / structures located outside of the developable area shall be removed from the site and landscaped accordingly, details of which shall be submitted as part of the Reserved Matters (Layout and Landscaping).

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion in addition to protecting the openness of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of Chapter 13 of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** It is brought to the Applicants' notice that the Highways Development, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

**NOTE:** It is the applicant's responsibility to find out whether the works approved by this planning permission require written approval from the Highways Structures section for works near or abutting a highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225616 who can advise further on this matter.

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

07.30 and 18.30 hours Mondays to Fridays  
08.00 and 13.00hours , Saturdays

With no working 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 Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

**NOTE:** All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement			4 <sup>th</sup> August 2016
Bat Survey	John Gardner ARPS		4 <sup>th</sup> August 2016
Phase 1 Desk Study	Mugen Geo Ltd		4 <sup>th</sup> August 2016
Transport Statement	Development Planning Ltd		4 <sup>th</sup> August 2016
Planning Statement			4 <sup>th</sup> August 2016
Supporting Information	Groundsure Insights		4 <sup>th</sup> August 2016
Flood Risk Assessment	SM Foster Associates Ltd		4 <sup>th</sup> August 2016
Flood Risk Assessment Addendum	SM Foster Associates Ltd		13 <sup>th</sup> February 2017
Flood Risk Assessment Appendices			4 <sup>th</sup> August 2016
Noise Assessment	Environmental Noise Solutions Ltd		13 <sup>th</sup> February 2017
Location Plan	PL-001 Rev A		3 <sup>rd</sup> July 2017
Indicative Site Plan	PL-003 Rev C		3 <sup>rd</sup> July 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in 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. During the application process further details were requested with regard to access, ecology and layout. Matters regarding contributions have concluded positively and a Section 106 secured.

**Report Dated:** 29 August 2019