

**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:** 2016/60/93147/E  
**Site Address:** 444, Bradford Road, Batley, WF17 5LW  
**Description:** Outline application for erection of residential development  
**Recommending Officer:** Emma Thompson

**DECISION – CONDITIONAL OUTLINE PERMISSION**

**I hereby authorise the approval of this application for the reasons set out in the officer's report contained within the Heavy Woollen Planning Sub-Committee agenda dated 9 November 2017 and the decision authorisation annexed below in respect of the above matter.**

Julia Steadman

***AUTHORISED OFFICER***

**Date: 13-Dec-2017**

Decision Authorisation – Committee Decision

**Committee: Heavy Woollen Planning Sub Committee**

**Date of Committee: 9th November 2017**

**Application Number: 2016/93147**

**Officer Recommendation: Conditional Outline Permission**

**Committee Decision: Conditional Outline Permission**

### **Summary of Committee Decision**

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

### **Conditions and Reasons**

1. Approval of the details of the 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 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 D2, BE1, BE2, R13, and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22, and PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

6. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing within the development in accordance with the requirements of Policy H10 of the Council's Unitary Development Plan and the Council's Supplementary Planning Guidance (The Provision of Affordable Housing in New Housing Developments) have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) The number and type of affordable housing units to be provided.
- b) The layout and disposition of the units affordable housing to be provided.
- c) The timescale for the implementation and completion of the affordable housing units;
- d) The mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

**Reason:** To ensure the provision of affordable housing in accordance with the requirements of Policy H10 of the Kirklees Unitary Development Plan and the Council's Supplementary Planning Document 2 (Affordable Housing) and or the Council's interim affordable housing policy or other such policy or policies as shall prevail at Reserved Matters stage. This is a pre-commencement condition in order to ensure that an appropriate contribution towards affordable housing is secured at the relevant stage of the development.

7. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To facilitate an increase in the capacity of local schools commensurate with the demands of the development in accordance with the aims of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that an appropriate contribution towards education is secured at the relevant stage of the development.

8. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated July 2017, reference 2017/2045 by EWE Associates Ltd, and the following mitigation measure detailed within the FRA:

- Finished floor levels are set no lower than 55.24m above Ordnance Datum (AOD).

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy D2 of the Kirklees Unitary Development Plan and the aims of chapter 10 of the National Planning Policy Framework.

9. 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 that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 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.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9, 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 G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 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.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10 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 with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 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.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework.

13. 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 identify and remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework.

14. Before building works commence, a report specifying the measures to be taken to protect the development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority.

The report shall

- (i) Determine the existing noise climate
- (ii) Predict the noise climate habitable rooms (daytime), bedrooms (night-time) and gardens (daytime of the development)
- (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Unless otherwise approved in writing with the Local Planning Authority 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.

**Reason:** In the interests of amenity of the future occupiers of these properties and to protect the operational flexibility of adjacent businesses and to accord with the requirements of Policies BE1, EP4 and B4 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework.

15. Before building works commence, a report specifying the measures to be taken to protect the future occupiers of the development from poor air quality shall be submitted to and approved in writing to the Local Planning Authority

The report shall demonstrate how the incoming air supply for the residential units adjacent to Bradford Road is taken from an area where the air quality is satisfactory and should also show how air from areas of poor air quality will be prevented from entering into the buildings.

**Reason:** In the interests of the amenity of the future occupiers of these properties and to protect the operational flexibility of adjacent businesses and to accord with the requirements of Policies BE1, EP4 and B4 of the Kirklees Unitary Development Plan.

16. Before the development is brought into use, the following electric vehicle charging points shall be provided and retained thereafter

- one electric vehicle charging for each residential unit with a dedicated parking spaces and/or a dedicated garage and
- one electric vehicle charging point for every ten unallocated parking spaces

The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps

**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.

17. Development shall not commence until a scheme detailing foul, surface water and land drainage,(including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted/ abandoned, and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved scheme has been provided on the site to serve the development of each agreed phasing of the development to which the dwellings relate and thereafter retained for the life time of the development.

**Reason:** To ensure satisfactory drainage of the site and to accord with chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition so that it can be ensured that adequate drainage is implemented at the appropriate stage of the development.

18. Development shall not commence until a scheme detailing surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme and phasing. The development shall be completed in accordance with the details approved and thereafter retained.

**Reason:** To prevent flooding by ensuring satisfactory drainage of the site and to accord with chapter 10 National Planning Policy Framework. This is a pre-commencement condition so that it can be ensured that adequate drainage is implemented at the appropriate stage of the development.

19. Development shall not commence until an Ecological Impact Assessment to include mitigation and enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The findings and recommendations shall be implemented and thereafter retained.

**Reason:** In the interests of the biodiversity of the area and to accord with chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

20. A new bat activity survey shall be undertaken before development commences, and biodiversity mitigation and enhancement measures shall be incorporated into the development as concluded in the Bat Survey. The measures agreed shall be retained.

**Reason:** Further activity surveys, and associated mitigation and enhancement measures are necessary in the interests of the biodiversity of the site, and to accord with Part 11 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.

21. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

**Reason:** To ensure a suitable access and layout in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan. This is a pre-commencement condition in order to ensure that a satisfactory layout is approved at an appropriate stage of the development.

22. No part of the development shall be brought into use until the existing accesses from Bradford Road and Bridge Street has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in

accordance with details that have previously been approved in writing by the Local Planning Authority.

**Reason:** To avoid danger and inconvenience to highway users and in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

23. The development shall not begin until detailed plans of at least two car parking spaces designed for the use of disabled people to be provided within the car parking have been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall then be constructed, surfaced, sealed and marked out in accordance with the plans so approved prior to the development being brought into use and shall be retained thereafter.

**Reason:** To provide suitable parking provision for the disabled and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

24. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 5.5 metre carriageway with 2.0m wide footways to the full Caledonia Road frontage of the development site, the provision of larger junction radii at Bradford Roads' junctions with both Caledonia Road and Bridge Street , construction specification, surfacing, drainage and kerbing including the relocation of existing Traffic signs and street lighting columns, amendments to existing Transport Regulation Orders and associated highway works together with an independent Safety Audit covering all aspects of the work has been submitted 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 safety and to allow for safe pedestrian access to and from the site, in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan. This is a pre-commencement condition in order to ensure that acceptable details are approved and subsequently implemented at the appropriate stage of the development.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back 2 metres from the back of Caledonia Road and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

**Reason:** In the interests of highway safety and to avoid the need for vehicles to wait in the highway and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

26. No building shall be occupied until cycle storage facilities have been provided in accordance with details that have been approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained.

**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 in addition to the interests of highways safety and Policy T10 of the Kirklees Unitary Development Plan.

27. No development shall take place until details of the siting, design and material to be used in the construction of retaining walls/ structures near or abutting highway have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details before the development is first brought into use and thereafter retained

**Reason:** To ensure that any new retaining structures do not compromise the stability of the highway in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, as well as the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that any retaining walls/structures near or abutting the highway is approved at an early stage and implemented at the appropriate stage of the development.

28. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Bradford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

**Reason:** To ensure adequate visibility in the interests of highway safety and to accord with the aims of Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

29. No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site. The approved parking, loading, and unloading areas shall thereafter be made available and used throughout the construction phase of the development.

**Reason:** In the interests of highway safety and to avoid the need for vehicles to wait in the highway, in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan. This is a pre-commencement condition in order to ensure that the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce is made available as soon as development commences on site.

**NOTES:** 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.

**NOTES:** It is recommended that the future occupants of the site fully sign up to Floodline Warnings Direct. Consideration should also be given to the use of flood proofing measures to reduce the impact of flooding when it occurs.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings – Flood Resilient Construction' (DCLG 2007).

Consultation with the Kirklees Building Control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found on the Environment Agency's Flood line Publications. A free copy of these is available by telephoning 0345 988 1188 or can be found on the Environment Agency's website:-  
<https://www.gov.uk/topic/environmental-management/flooding-coastal-change>.

Reference should also be made to the Department for Communities and Local Government publication 'Prepare your property for flooding' please go to: <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> as well as the Communities and Local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.

**NOTE:** The indicated layout shows a 'security gate' across the vehicular entrance and at the pedestrian entrances from Bradford Road and Bridge Street. The Council's Police Architectural Liaison Officer would support having these features to deter casual wandering through and loitering within the site.

**NOTE:** Surveillance of the parking area needs to be maximised, by a combination of:-

- Being well overlooked from nearby windows in actively used rooms
- Lighting to uniformly cover all the car park area
- Consider incorporating external CCTV covering building entrances, around the shell of the building and all of the car park area

**NOTE:** Apartment block external doors, individual apartment entrance doors, and accessible windows should meet with the physical security requirements of '*Secured by Design*'.

For full details, can be found at:- [http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured\\_by\\_Design\\_Homes\\_2016\\_V1.pdf](http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured_by_Design_Homes_2016_V1.pdf)

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1:1250		27th October 2016
Site plan as proposed	Rev A		26th October 2017
Coal Mining Risk	16-09-13 Revision		27th October 2016

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Assessment	0		
Flood Risk Assessment	EWE Associates Ltd Final Rev A July 2017		17th July 2017
Flood Risk Assessment	EWE Associates Ltd Final Rev 0 May 2010		27th October 2016
Planning Statement			15th March 2017
Design & Access Statement			27th October 2016

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 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. A revised Flood Risk Assessment in addition to amendments in respect of access and highways were requested and received during the course of the application.

Report Dated: 12.12.17