

**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: 2017/62/91623/W

Site Address: Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT

Description: Erection of 58 dwellings and associated means of access

Recommending Officer: Louise Bearcroft

DECISION – Section 106 Full Permission

I hereby authorise the approval of this application for the reasons set out in the agenda and update of the Strategic Planning Committee dated 5th October 2017 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 19-Dec-2017

DELEGATION REPORT

Application No. 2017/62/91623/W

Description: Erection of 58 dwellings and associated means of access

Site: Land at Dunford Road, Hade Edge, Holmfirth

Report Date 18th December 2017

Officer: Louise Bearcroft

Information:

The following items are attached to this report:

1. Strategic Planning Committee report dated 5th October 2017
2. Copy of planning conditions

Committee Resolution:

The application was considered by the Council's Strategic Planning Sub-Committee on 5th October 2017. The Strategic Planning Committee resolved to:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and secure a section 106 agreement to cover the following matters

1. 12 dwellings to be affordable with a tenure split of six being Social Rented and six being Sub Market.
2. £246,834 towards Education requirements arising from the development
2. £286,762.50 towards Highway Improvement works

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Events since the committee resolution:

1. A Section 106 has been completed (18th December 2017) to secure 12 affordable dwellings, £246,834 towards education requirements and £286,762.50 towards highway improvement works.

Any material changes in circumstances:

There have been no material changes to the site or revisions to policy since the committee resolution of 5th October 2017.

Conditions Attached

Recommendation: That in accordance with the resolution of the Strategic Planning Committee that permission now be issued subject to the attached conditions.

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 BE1, BE2, and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. The dwellings shall be constructed of local natural stone and local natural slate. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works to erect the superstructure of any dwelling commence. Thereafter the development shall be constructed of the approved materials.

Reason: In the interests of visual amenity and to accord with policies BE1 and BE2 of the Kirklees Unitary Development Plan.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved

remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To address land contamination matters and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

5. Prior to first occupation of any dwelling the approved visibility splays of 2.4m x 120m level with the proposed footway from the site access along the frontage of Dunford Road shall be provided in accordance with plan drawing 2847-0-001 Rev J and thereafter be retained.

Reason: To ensure that suitable access is available for the development and to accord with policy T10 of the Kirklees Unitary Development Plan.

6. Prior to first occupation of any dwelling, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter. No alternative surfacing material shall be used except where full details have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10 and chapter 10 of the National Planning Policy Framework.

7. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audits covering all aspects of work. Thereafter the scheme shall be completed in accordance with the approved details before first occupation of any dwelling and be retained thereafter

Reason: To ensure that suitable access is available for the development and to accord with policy T10 of the Kirklees Unitary Development Plan.

8. A scheme detailing the proposed 2m wide footway and all associated highway works along the frontage of Dunford Road in accordance with plan drawing 2847-0-001 Rev J shall be submitted and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. Thereafter the scheme shall be completed in accordance

with the approved details before first occupation of any dwelling and be retained thereafter

Reason: To ensure that suitable pedestrian access is available for the development and to accord with policy T10 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. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

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

10. A scheme demonstrating adequately designed soakaways for an effective means of drainage of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. The scheme shall include seasonal percolation tests in accordance with BRE Digest 365 along with calculations demonstrating that the designed soakaways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. Evidence that the critical 1 in 100 year storm with a 30% allowance for climate change can be safely retained on site is required. The scheme shall include a maintenance and management plan for all sustainable drainage systems. No dwelling shall be first occupied until the works comprising the approved scheme have been completed, including enacting the management and maintenance plan, and retained thereafter. Where it is demonstrated that soakaways prove not to be an adequate method of draining surface water an alternative surface water drainage scheme should be submitted for consideration with discharge rates and attenuation requirements to be confirmed by the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policy BE1(iv) and the aims of the National Planning Policy Framework.

11. An assessment of the effects, and mitigation thereof, of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the dwellings commence. No dwelling shall be first occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being

and to accord with Policy BE1(iv) and the aims of the National Planning Policy Framework.

12. 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 and new 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: In the interest of satisfactory and sustainable drainage; to ensure that the development can be properly drained, and to ensure that no surface water discharge takes place until proper provision has been made for its disposal; and to accord with Policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate drainage works are carried out at the appropriate stage of the development.

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage for surface water have been completed in accordance with the Flood Risk Assessment (prepared by Dudleys - Report 15383 Revision 05 dated 09/05/2017) that has been submitted to and approved by the Local Planning Authority

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to accord with Chapter 10 of the National Planning Policy Framework

14. A Low Emission Travel Plan shall be submitted to and approved in writing by the Local Planning Authority before works commence to construct the foundations of the dwellings. The travel plan shall include details of:-

- mechanisms for discouraging high emission vehicle use
- encouraging modal shift, (i.e. to public transport, cycling, walking and car clubs)
- encouraging the uptake of low emission fuels and technologies
- improved pedestrian links to public transport stops
- improved convenient and segregated cycle paths to link to the local cycle network.

Thereafter the approved travel plan shall be implemented prior to first occupation of any dwelling and retained thereafter.

Reason: To accord with the sustainability principles of the National Planning Policy Framework and to address matters of air quality in accordance with the West Yorkshire Low Emissions Strategy 2016 to 2021.

15. Prior to first occupation of each dwelling an electric vehicle recharging point shall be installed within the curtilage. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

16. A mitigation plan detailing the proposed mitigation measures to protect the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Special Area of Conservation from the impacts of development as detailed in Step 4 of the Stage 2 Habitats Regulations Assessment (Appropriate Assessment) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the dwellings commence. Thereafter the development shall be undertaken in accordance with the approved mitigation plan before any dwelling is first occupied.

Reason: To provide mitigation for the ecological effects identified through the assessment undertaken in respect of nearby European protected sites and regulation 61 of the Conservation of Habitats and Species Regulations 2010.

17. The development shall be carried out in accordance with the approved landscaping and planting detailed on plan drawings UG_11535_LAN_01 and UG_11535_LAN_02. The scheme shall from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To mitigate against the impact of the development and to ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with the NPPF.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the elevations of plot 1 and 50 hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan

19. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B and C or E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To avoid an overdevelopment of the site in the interests of visual amenity and to protect the residential amenity of occupiers of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan

NOTE: In respect of condition 16, a Section 106 agreement may be required to discharge the condition.

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: - Adoption under Section 38 of the Highways Act:
It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, 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: 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

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2847-0-000	B	11.05.17
Proposed Site Plan	2847-0-001	J	17.08.17

Vehicle Tracking Plan	2847-0-001		17.08.17
Proposed Street Scenes	2847-0-002	C	11.05.17
Proposed Boundary Treatment Plan	2847-0-021	B	17.08.17
Landscaping Plan	UG_11535_LAN_01	P02	05.09.17
Planting Plan	UG_11535_LAN_02	P02	05.09.17
Bungalow Floor Plans and Elevations	2847-0-005		11.05.17
Banbury House Type Floor Plans and Elevations	2847-0-006		11.05.17
Northwood House Type Floor Plans and Elevations	2847-0-007		11.05.17
Holcombe House Type Floor Plans and Elevations	2847-0-008		11.05.17
Stratton House Type Floor Plans and Elevations	2847-0-009		11.05.17
Cranford House Type Floor Plans and Elevations	2847-0-010		11.05.17
Beverley House Type Floor Plans and Elevations	2847-0-011	A	17.08.17
Proposed Beverley House Type – Plots 31 & 39	2847-0-105	A	17.08.17
Latchford House Type Floor Plans and Elevations	2847-0-012		11.05.17
Northwood House Type Floor Plans and Elevations – Plots 5, 28 & 57	2847-0-013	A	17.08.17
Latchford House Type Floor Plans and Elevations – Plots 23 & 26	2847-0-014	A	17.08.17
Beverley House Type - plots 31 & 38	2847-0-015	A	17.08.17
Banbury House Type – Plots 13 & 54	2847-0-016	A	17.08.17
Holcombe House Type – Plots 4 & 58	2847-0-107	A	17.08.17

Holcombe House Type Plot 22	2847-0-018		17.08.17
Single Garage	2847-0-019		11.05.17
Double Garage	2847-0-020		11.05.17
Design & Access Statement	2847		11.05.17
Planning Statement	(Savills – May 2017)		11.05.17
Landscape & Visual Impact Assessment	11535		20.09.17
Flood Risk Assessment			11.05.17
Phase 1 Geoenivornmental risk assessment and Phase 2 Ground Investigation			11.05.17
Transport Statement			11.05.17
RSA and Vehicle Swept Paths			11.05.17
Extended Phase I Habitat Survey			11.05.17
Vantage Point Surveys			11.05.17
Golden Plover Survey Methodology			11.05.17
Statement of Community Involvement			11.05.17
Drainage Strategy	01		11.05.17
Stage 1 Habitat Regulations Assessment (Screening)			Undertaken by LPA 03.08.17
Stage 2 Habitat Regulations Assessment (Appropriate Assessment)		Iteration 3	Undertaken by LPA 18.09.17

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. The case officer undertook negotiations with the applicant to secure revisions to the layout to address the density of development, a Landscape & Visual Appraisal, and landscaping plan and swept path analysis.

