

**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: 2017/60/93347/E
Site Address: Land off, Fieldhead Lane, Birstall, Batley
Description: Outline application for erection of 32 dwellings
Recommending Officer: Bill Topping

DECISION – Conditional Outline Permission

I hereby authorise the approval of this application for the reasons set out in the agenda and update of the Heavy Woollen Planning Sub-Committee dated 14/12/17 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 08-Jan-2018

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Sub Committee

Date of Committee: 14/12/17

Application Number: 2017/93347

Officer Recommendation: Conditional Full Approval

Committee Decision: Approval delegate to Officers to prepare conditions and issue decision notice.

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, access 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. Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed.

Reason. In the interests of visual amenity and to safeguard mature trees in accordance with Policy NE9 of the Kirklees Unitary Development Plan.

4. Prior to development commencing, the wall to the site frontage shall be set back as shown on approved plan no. 17006/GA/01 rev D, and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have been previously approved in writing by the Local Planning Authority

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

5. Notwithstanding the detail shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 2.0m wide footway to the full Fieldhead Lane frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing street light columns and associated highway works 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 throughout the lifetime of the development.

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

6. 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 Unitary Development Plan.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 3, 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 Unitary Development Plan.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. 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 Unitary Development Plan.

9. 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 Unitary Development Plan.

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

11. Before development commences a report specifying the measures to be taken to protect the development from road traffic noise 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 in gardens (daytime), bedrooms (night time) and other habitable rooms of the development;
- iii) Detail the proposed attenuation necessary to protect the amenity of the occupants of the new residences including ventilation if required).

Unless otherwise agreed in writing by the LPA 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. To protect the residential amenities of future occupiers in accordance with Policy EP4 of the Unitary Development Plan.

10.No development shall take place until a scheme detailing the provision of electric charging points within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development, or in

accordance with a timeframe to be agreed with the Local Planning Authority, and subsequently be retained permanently thereafter.

Reason. To accord with the guidance contained in part 4 of the National Planning Policy Framework “Promoting Sustainable Transport”.

11. No development shall take place until a scheme detailing bio diversity enhancement (including bird and bat roost opportunities within the development) has been submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to occupation, or in accordance with a timetable to be agreed with the Local Planning Authority, and retained permanently thereafter.

Reason. To accord with the guidance contained in part 11 of the National Planning Policy Framework “Conserving and enhancing the natural environment, and Policy D6 of the Kirklees Unitary Development Plan.

12. No development shall commence until a scheme detailing separate foul, surface water and land drainage, (including off site works, outfalls, an agreed surface water discharge rate with the LLFA, balancing works incorporating the critical 1 in 30 and 1 in 100 storm events with a 30% allowance for climate change, 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. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. None of the dwellings shall be occupied until such 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 retained thereafter in accordance with the agreed management and maintenance plan.

Reason. In the interest of the satisfactory drainage of the 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”.

13. No development shall commence until a detailed assessment of, and scheme to mitigate, the effects 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 all directions has 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. The approved scheme shall be retained permanently thereafter.

Reason. In the interest of the satisfactory drainage of the 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”.

14. 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 public open space to serve the development in accordance with the requirements of Policy H18 of the Council's Unitary Development Plan have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

Reason. To accord with Policy H18 of the Kirklees Unitary Development Plan.

15. 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 the Council's Interim Affordable Housing Policy 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 accord with the Council's Interim Affordable Housing policy.

16 .Any subsequent reserved matters or full application shall include details for the provision of a pedestrian/ cycleway route across the site from Field Head Lane to the boundary with Oakwell Hall Park . This pedestrian/ cycleway route shall be provided prior to the occupation of the site, or in

accordance with a timeframe agreed with the Local Planning Authority and permanently retained thereafter.

Reason. To accord with Policy T18 of the Kirklees Unitary Development Plan

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	010	A	29/9/17
Block Plan	010	C	5/12/17
Access plan	17006/GA/01	D	12/12/17
Site survey/ topographical plan			29/9/17
Design and Access Statement			29/9/17
Planning Statement			29/9/17
Statement of Community Involvement			29/9/17
Phase 1 Geo- environmental Survey	3719		29/9/17
Preliminary Ecological Survey	R-2902-01.2		29/9/17
Tree Survey	13778/TT		29/9/17
Drainage/Foul Sewerage Assessment (updated)			29/9/17

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 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.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining

feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Report Dated:

4/1/18