KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)
Article 27 - Town and Country Planning (Development Management Procedure) Order 2015

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2017/45/94096/W
Site Address:	5 & 7, Wheathouse Road, Birkby, Huddersfield, HD2 2UR
Description:	Compliance of conditions on previous permission 2005/95145 for erection of 247 dwellings with garage, 44 apartments, change of use and alterations to convert existing building to 24 apartments, associated parking, access, public open space, play areas and pedestrian routes (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – split decision

I hereby authorise a split decision related to the compliance of conditions application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 25-Jan-2018

1. The development shall be *begun not later than the expiration of three years beginning with the date on which permission is granted.*

The development is complete and this condition is deemed to have been discharged.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

The scheme that has been implemented shows some changes in layout but the two dwellings 5-7 Wheathouse Road appear to be the same as on the approved plans and so this condition is deemed to have been discharged in so far as it relates to these two plots.

3 All dwellings and apartments in this scheme shall be constructed of natural stone, a sample of which shall be submitted to the Local Planning Authority for approval, prior to development commencing.

On the basis of observations on site the new buildings have been constructed of natural stone of a type to harmonise closely with established development and this condition is therefore deemed to have been discharged.

4 All dwellings fronting onto Wheathouse Road, Macaulay Road, Blacker Road and Birkby Hall Road shall be roofed in natural slate.

The two new dwellings known as 5 & 7 Wheathouse Road do not front any of the roads named in this condition and the condition therefore does not apply to these two properties.

5 Prior to development commencing a full materials schedule for the entire site shall be submitted for the written approval of the Local Planning Authority. The agreed schedule shall then be implemented.

6. No development shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

It is considered that all materials used on the exterior of the new development are satisfactory and conditions 5-6 are therefore deemed to have been discharged.

7 No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local

Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.

There is no record of this condition having been formally discharged but it is considered that the landscaping works that have been carried out are satisfactory and this condition is deemed to have been discharged.

8. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 7 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

This condition is considered to have been complied with. Once the existing landscaping has been retained for five years from the completion of planting works, the condition will be deemed to have been discharged.

9. Prior to development commencing a full schedule of window types including materials/profile/ details of return shall be submitted at a scale of at least 1.5 for the written approval of the Local Planning Authority. The agreed details shall subsequently be implemented.

There is no record of this condition having been formally discharged but the windows that have been installed within the properties are considered satisfactory and this condition is deemed to have been discharged.

10. 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.

11. 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.

I confirm a Section 106 agreement dated 31st October 2006 was entered into between Cala Land Investments, Cala Management Limited and the Borough of Kirklees relating to public open space and affordable housing. Conditions 10 and 11 are thereby discharged.

12. Prior to the occupation the developer shall satisfy the Local Planning Authority that adequate sound insulation has been provided so as to achieve satisfactory internal noise levels within the development. In particular;

a) Any single LAeq[1 hour] shall not exceed 35 dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms within the development;

b) Any single LAeq[15 mins] shall not exceed 30 Db between 2300 and 0700 hours when readings are taken inside any bedroom in the development;

c) Prior to commencement of development the applicant must submit a ventilation scheme to show how habitable room windows in facades facing onto Blacker Road and Wheathouse Road shall be ventilated without the need to open windows. The approved scheme shall be completed prior to the occupation of any of the dwellings hereby approved.

I have been unable to find any record of this condition having been discharged.

13. 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.

14. 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.

15. Remediation of the site shall be carried out and completed in accordance

with the remediation strategy approved pursuant to condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Phase I or Phase II reports] is identified or encountered on site, the local planning authority shall be notified in writing within 2 working days. Proposed revisions to the Remediation Strategy shall be submitted to the local planning authority for approval in writing. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

16. 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. No area of the site shall be brought into use until such time as that area has been remediated in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation works has been approved in writing by the local planning authority.

17. In the event that any contamination not previously identified is encountered during the development, the local planning authority shall be notified in writing within 2 working days. A Remediation Strategy shall be submitted to the local planning authority.

With reference to conditions 13-17 I would draw your attention to the letter sent out on 24th August 2017 (ref. 2017/92339) which confirms that all contamination reports submitted in respect of this site are satisfactory. Conditions 13-17 are therefore discharged.

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

19. No development shall take place until details of the proposed means of disposal of surface water drainage, including any off site or balancing works, have been submitted to and approved in writing by the Local Planning Authority.

20. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Regarding conditions 18-20 there is no record of a drainage scheme having been submitted to the Local Planning Authority for approval as required by condition 18. Yorkshire Water have confirmed that some, but not all, of the drains and sewers serving the development have been adopted. Consequently, these conditions cannot be discharged at present. I would advise you to contact Yorkshire Water if you would like to discuss arrangements for adoption.

21. Prior to construction commencing a schedule of the means of access to the site for demolition and construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for demolition and construction traffic, details of the times of the use of the access the routing of the demolition and 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 agreed in writing with the Local Planning Authority the approved arrangements shall be carried out for the duration of the development.

As the development is complete this is no longer applicable and can be deemed to have been discharged.

22. Prior to development commencing a detailed scheme for carriageway widening, provision of bus layby to Birkby Lodge Road and George Street , as shown on indicatively on Sandersons plan ref 3595/01, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of any speed reducing features, construction specifications, drainage works street lighting, white lining , signing, surface finishes and treatment of junction sightlines together with an Independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority the approved works shall be carried out before any part of the development served by Birkby Lodge Road is brought into use.

I have been unable to find a record of a detailed scheme being submitted, but I confirm that carriageway widening has been carried out on Birkby Lodge Road and this condition is therefore deemed to have been discharged.

23. Prior to development commencing a detailed scheme fir the siting and provision of a pedestrian level crossing and central island facilities on Wheathouse Road shall be submitted for the written approval of the Local Planning Authority. The scheme shall include full sections, details of any speed reducing features, construction specifications drainage works, street lighting, signing, white lining together with an independent Safety Audit to cover all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, the approved details shall be implemented prior to any part of the development being brought into use.

A pedestrian crossing has been provided on Wheathouse Road since the approval of this application. It does not incorporate a central island, but localised footway widening has been carried out on the west side of the highway. This change would have required at least a non-material amendment if not a variation of condition, but the facilities are satisfactory and I consider the aims of the condition to have been fulfilled, and so it can be deemed to have been discharged.

24. Prior to development commencing a detailed scheme for the proposed internal estate roads and their connections to the highway shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, traffic calming, drainage works, signing, white lining, surface finishes and treatments of junction/forward sight lines, together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be carried out and completed, or as otherwise agreed in writing by the Local Planning Authority before any part of the development hereby approved is occupied.

I confirm that the internal estate roads have been adopted and so this condition is deemed to have been discharged.

25. Prior to development commencing plans detailing arrangements for access, layout and parking to the private parking areas/courtyards and service areas shall be submitted to and approved in by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, all of these areas shall be completed in accordance with the approved scheme before any part of the development occupied.

I have been unable to find any record of this conditions having been discharged but from an external viewing the access and parking arrangements for 5 & 7 Wheathouse Road appear to be satisfactory.

26. Prior to development commencing a detailed scheme shall be submitted for the written approval of the Local Planning Authority, of measures to improve and encourage the use of alternative sustainable transport to the private car. These measures shall include the provision of 'live' bus time information, the examination and where required the upgrading of bus stops/shelters, provision of secure covered cycle storage and external cycle parking facilities, together with a timetable for the provision of these facilities in line with the phased period of construction. Unless otherwise agreed in writing by the Local Planning Authority, all of these measures shall be completed in accordance with the approved timetable.

I have been unable to find any record of this condition having been discharged.