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:	2017/45/94097/W
Site Address:	5 & 7, Wheathouse Road, Birkby, Huddersfield, HD2 2UR
Description:	Compliance of conditions on previous permission 2006/95034 for modified proposal for erection of residential development of 278 dwelling units (subsitution of houe types) and revised layout, conversion and extension of office block fo 37 apartments (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – split decision

I hereby authorise the split decision regarding 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.

Based on a brief external viewing of the development it appears that this condition has been complied with.

3 All dwellings and apartments constructed on this site shall be of natural stone, a sample of which shall be submitted for the approval of the Local Planning Authority before development commences.

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 the dwellings fronting onto Wheathouse Road, Macaulay Road, Blacker Road, and Birkby Lodge Road shall be roofed in natural slate, a sample of which shall be submitted to the Local Planning Authority before development commences.

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

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

6. 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.

7. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 6 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.

8. Prior to development commencing a full window schedule of window types shall be submitted at a scale of at least 1;5 for the written approval of the Local Planning Authority.

There is no record of this condition having been formally discharged but the windows that have been installed within the 5-7 Wheathouse Road are considered satisfactory and this condition is deemed to have been discharged.

9. 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.

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 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 would draw your attention to the letter sent out on 17th October 2014 (ref. 2014/92705) and 24th August 2017 (ref. 2017/92339) which confirms this condition has been complied with.

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. This originally related to planning permission 2005/95145 but a deed of variation was entered into on 8th October 2007 tying the original provisions of the agreement to planning permission 2006/95034 and so conditions 9 and 10 above are now discharged.

11. 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.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 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.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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.

14. 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.

15. 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.

With reference to conditions 11-15 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 11-16 are therefore discharged.

16. 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 35dB between 07.00 and 23.00 hours when readings are taken in any noise sensitive rooms within the development;

b] Any single LAeq [15 minutes] shall not exceed 30 dB between 23.00 and 07.00 hours when readings are taken inside any bedroom within the development;

c] Prior to commencement of the 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.

17. The site shall be developed with separate systems of foul and surface water drainage.

18. 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.

19. 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 17-19. 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 two conditions cannot be discharged at present. I would advise you to contact Yorkshire Water if you would like to discuss arrangements for adoption.

20. Prior to development commencing a detailed scheme for carriageway widening, the provision of bus layby to Birkby Lodge Road and George Street, as shown 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 together with a an independent safety audit to cover all aspects of the work. Unless otherwise agreed in writing with the Local Planning Authority, the approved details shall be implemented before any part of the development 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.

21. Prior to development commencing a detailed scheme for the 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, white lining together with an independent safety audit to cover all aspect 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.

22. 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 modes of transport to the private car. These measures shall include the consideration of provision of live bus time information, bus passes, the examination and where required the upgrading of bus stop/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 a phased period of construction. Unless otherwise agreed in writing by the Local Planning Authority, all of the measures agreed shall be completed in accordance with approved timetable unless otherwise agreed in writing by the Local Planning Authority.

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

Report Dated: 25-Jan-2018