

**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: 2017/62/94129/E

Site Address: Oakroyd Hall, West Yorkshire Fire And Rescue
Service Headquarters, Bradford Road, Birkenshaw,
BD11 2DY

Description: Demolition of existing buildings and erection of 30
dwellings with associated garages and parking

Recommending Officer: Liz Chippendale

DECISION – S106 CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation contained within the Heavy Woollen Planning Sub-Committee agenda and update dated 1 June 2018 and the Committee Decision Authorisation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 29-Jun-2018

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Planning Sub Committee

Date of Committee: 1st June 2018

Application Number: 2017/62/94129/E

Officer Recommendation: 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 to secure a S106 agreement to cover the following matters:

1. Public open space provisions including off site commuted sum of £102,374.07 and future maintenance and management responsibilities of open space within the site. £1000 inspection fee for the on-site public open space.
2. Affordable Housing - Provision on site of 1 Affordable Rent Unit and
1 Intermediate unit
3. £127,322 towards Education requirements arising from the development
4. £10,000 for a bus shelter and £14,850 for Metro Cards

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.

Committee Decision: As per officer recommendation set out above (and in the update)

Summary of Committee Decision

Members agreed with the officer recommendation contained within the agenda and the additional comments set out in the update.

Event since the Committee Decision

As set out in the recommendation, a S106 securing the above matters was to be secured by officers. The S106 has now been completed and is to be read in conjunction with the conditions set out on this decision authorisation.

Conditions and Reasons

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 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, BE12, T10, NE9, G6, H1, H10, H12 and EP11 of the Kirklees Unitary Development Plan, Policies PLP1, PLP2, PLP21, PLP22, PLP24, PLP28, PLP30 and PLP 53 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be inspected by and approved in writing by the Local Planning Authority before the erection of the superstructures of the dwellings are commenced. Thereafter the development shall be constructed of the approved materials and be retained.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapter 7 of the National Planning Policy Framework.

4. The wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved plan number SK02 Planning Layout before any dwelling is first occupied and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP 21 of the Kirklees Publication Draft Local Plan.

5. A detailed scheme for the provision of a right turn lane from Bradford Road into the site with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the dwellings commence. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Thereafter, the approved works shall be implemented before any dwelling is first occupied and thereafter be retained.

Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP 21 of the Kirklees Publication Draft Local Plan.

6. 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 the dwellings commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Thereafter the scheme shall be completed in accordance with the approved details and before first occupation of the dwellings relevant to each phase of the development and be retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP 21 of the Kirklees Publication Draft Local Plan.

7. Prior to the development being brought into use, 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 thereafter retained.

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 Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

8. Details of the means of protecting the existing 6" water main that is laid within/adjacent to the site boundary shall be submitted to and approved by the Local Planning Authority before works to construct foundations commence in the relevant area of the site. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In order to protect the public water supply and to accord with Chapter 10 of the National Planning Policy Framework.

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

Reason: In the interests of satisfactory and sustainable drainage and to accord with Chapter 10 of the National Planning Policy Framework.

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: In order to establish the exact situation with regards to contamination and coal mining legacy, and to provide necessary mitigation and to accord with chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition so that all appropriate investigatory works are carried out before development commences on site and so that any required mitigation measures can be implemented at the appropriate stage.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved

Remediation Strategy or contamination not previously considered in 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: In order to establish the exact situation with regards to contamination and coal mining legacy, and to provide necessary mitigation and to accord with chapter 11 of the National Planning Policy Framework.

12. 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: In order to establish the exact situation with regards to contamination and coal mining legacy, and to provide necessary mitigation and to accord with chapter 11 of the National Planning Policy Framework

13. 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. 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 approved in writing by 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

14. No development shall take place until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include details of the following:

- a) Purpose and conservation objectives for the proposed ecological works, in relation to site potential and constraints
- b) Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bat boxes to be installed integral to all new dwellings.
- c) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e) Details of maintenance

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that ecological features are retained where possible and other impacts minimised or compensated for and to accord with Policy EP11 of the Kirklees Unitary Development Plan, Policy PLP 30 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition so that all appropriate mitigation works are carried out before development commences on site.

15. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description of features to be managed, as included in the Ecological Design Strategy pursuant to condition 14
- b) Prescriptions for management actions
- c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- d) On going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure that ecological features are retained where possible and other impacts minimised or compensated for and to accord with Policy EP11 of the Kirklees Unitary Development Plan, Policy PLP 30 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition so that all appropriate mitigation works are carried out before development commences on site.

16. Notwithstanding the details and specifications submitted details of the boundary treatment for all of the site including specific details of how crime

prevention matters will be addressed shall be submitted to and approved in writing by the Local Planning Authority before the dwellings to which they relate are first occupied. Thereafter the development shall be undertaken in accordance with the approved details and the boundary treatments provided before first occupation of the dwellings to which the boundary treatments relate.

Reason: To provide appropriate boundary treatments in the interests of visual and residential amenity and in the interests of crime prevention, in accordance with Policies D2 and BE1 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

17. Notwithstanding the details and specifications submitted details of the rear garden areas of plots 15-17 to include levels, boundary treatment and retaining walls to demonstrate how adjacent trees will be protected shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructures of Plots 15-17 commence. Thereafter the rear garden areas shall be laid out in accordance with the approved details before first occupation of Plots 15-17.

Reason: In the interests of the protection of the adjacent trees and to accord with Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP33 of the Kirklees Publication Draft Local Plan.

18. A scheme detailing foul, surface water and land drainage, (including off site works, surface water discharge rate of 44.5l/s to public combined sewer, surface water attenuation design parameters of 1 in 30 and 1 in 100 + 30% climate change critical storms, outfalls, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) 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 a maintenance and management plan for the surface water drainage infrastructure. No dwelling shall be first occupied until such approved drainage scheme and maintenance and management has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the aims of chapter 10 of the National Planning Policy Framework.

19. 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 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: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the aims of chapter 10 of the National Planning Policy Framework.

20. The development shall be undertaken in accordance with the Bat Method Statement Ref R-3081-02 as approved pursuant to application Ref 2017/94058 (Prior Notification for the demolition of the existing buildings) and all demolition shall be undertaken in the manner indicated in that report.

Reason: To avoid a direct impact to Bats during demolition and to accord with Policy EP11 of the Kirklees Unitary Development Plan, Policy PLP 30 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

21. An assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, 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 in the interests of amenity and environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the aims of chapter 10 of the National Planning Policy Framework.

22. Prior to first occupation of the dwellings an electric vehicle recharging point shall be installed within each 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.

23. 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 and E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To avoid an overdevelopment of the site and to protect the residential amenity of occupiers of neighbouring residential properties and to

accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of chapter 7 of the National Planning Policy Framework.

24. 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 new openings other than those expressly approved by this permission shall be permitted in the side (north-eastern) elevation of Plot 27.

Reason: To protect the residential amenity of occupiers of neighbouring residential properties and to accord with Policy D2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

25. The development shall be undertaken in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: To ensure the retained trees can be satisfactorily protected and to accord with Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP33 of the Kirklees Publication Draft Local Plan.

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 the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			01.12.17
Topographical Survey	RSH1004-002		01.12.17
Buildings to be Demolished	SK/Areas/01_31/08.20 17		01.12.17
Planning Layout	SK-02		02.05.18
Presentation Layout	SK-03		02.05.18
Landscape Masterplan	R/2054/1	B	02.05.18
Boundary Layout	SK-04		28.03.18

Plan Type	Reference	Version	Date Received
Refuse Vehicle Tracking	T-01		02.05.18
Engineering Layout	4733-C-D11-01		02.05.18
Block Comparison Layout	SK-04		06.04.18
Harewood Plots 23 and 29 Plans and elevations	RH34/BR/1429/D/OP		01.12.17
Shelley plot 3 plans and elevations	RH34/ST/1600/D/OP		01.12.17
Ingleton plots 4 and 30 plans and elevations	RH57/ST/1455/D/AS		01.12.17
Sandringham plot 20 plans and elevations	RH04/ST/1596/D/OP		01.12.17
Newby plot 14 plans and elevations	RH22/ST/1085/D/AS		01.12.17
Sandringham plot 22 plans and elevations	RH04/ST/1596/D/AS		01.12.17
Shelley plot 21 plans and elevations	RH34/ST/1600/D/OP		01.12.17
Shelley plot 24 plans and elevations	RH34/ST/1600/D/OP		01.12.17
Bamburgh plots 1, 26 and 27 plans and elevations	RH26/ST/2248/D/OP		13.06.18
Studley Nunnington plots 7 and 8 plans and elevations	RH48/ST/S/AS		01.12.17
Studley Nunnington plots 5 and 6 plans and elevations	RH48/ST/S/AS		01.12.17
Bedale plots 9 and 10 plans and elevations	RH25/884/ST/S/AS		01.12.17
Ryedale A,B,C plots 11, 12 and 13 plans and elevations	RH58/S/902/950/965/S T/AS-OP-AS		01.12.17
Nostell plots 15 and 19 plans and	RH02/ST/1500/D/AS		13.06.18

Plan Type	Reference	Version	Date Received
elevations			
Collingham plots 25 and 28 plans and elevations	RH60/S/1882/D/AS		13.06.18
Studley plot 16 plans and elevations	RH48/ST/AS		13.06.18
Studley Nunnington plots 17 and 18 plans and elevations	RH48/ST/S/OP		13.06.18
Lap Boarded Timber Fence Detail			01.12.17
Standard Double Garage	DG1		01.12.17
Standard Single Garage	SG1		01.12.17
Artstone Wall Detail 2m high	AWD01		01.12.17
Flood Risk Assessment and Surface Water Management Strategy	4733/FRA01A		20.03.18
Overland Flood Route	4733-C-D10-01	A	15.05.18
Longitudinal Sections	4733-C-D-D2-01	A	15.05.18
Arboricultural Impact Assessment & Arboricultural Method Statement		A	20.03.18
Tree Constraints Plan			20.03.18
Arboricultural Impact Assessment			20.03.18
Tree Protection Plan Rev A			21.03.18
Shade Plan			20.03.18
Design And Access Statement			01.12.17
Phase 2 Geotechnical and Geo-environmental	41333-002		01.12.17

Plan Type	Reference	Version	Date Received
Site Investigation			
Air Quality Assessment	A105482		01.12.17
Updating Bat Roost Suitability Assessment	R-3081-01		01.12.17
Noise Assessment	A105482		01.12.17
Addendum to Transport Statement	1371		01.12.17
Travel Plan Framework	1371(A)		01.12.17

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 accurate and up to date Tree Survey Information, a revised Flood Risk Assessment and Drainage Strategy, a revised layout plan to address highway concerns, the impact on protected trees and the impact on visual and residential amenity and vehicle tracking information. In addition, a Section 106 Agreement has also been secured.

Report Dated:

28.9.18