

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No: 2018/44/90491/W

Site Address: 120 Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Description: Discharge of condition 3 (materials), 4 (drainage scheme), 5 (drainage scheme), 8 (highway works), 10 (estate roads), 11 (cycle storage), 12 (Phase 1 Report), 17 (method statement) and 19 (bat survey) on previous permission 2014/93584 for demolition of dwelling and erection of 10 dwellings

Recommending Officer: Victor Grayson

DECISION – Discharge of Conditions- Approved

I hereby authorise the approval of this application to discharge conditions for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 16-Jan-2019

Discharge conditions 3, 4, 5, **8, 10, 11, 12, 17 and 19** of previous permission **2014/93584** for demolition of dwelling and erection of 10 dwellings.

Condition 3

Condition 3 reads as follows:

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

Reason: In the interests of visual amenity and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan.

For the external walls of the development, the applicant initially specified a coursed natural stone named "Quintanar Sandstone", which has an appropriate buff/beige colour, but can also appear almost pink due to its red veins. Officers raised concerns regarding the potential colour of the stone, however the applicant responded on 13/04/2018, stating that there would be very little or no pink in the stone, that it is a good match for Yorkshire stone, and that it has been used at a site at New Mill Road, Holmfirth. The applicant also confirmed that the stone would be pitched faced.

The applicant also proposes Marley Modern concrete roof tiles, and UPVC windows and doors in anthracite grey.

The site is not within a conservation area and there are no listed buildings within or immediately adjacent to the site.

Given the materials that have been used in buildings surrounding the site (including Marley Modern roof tiles, approved behind 152 Laund Road under application 2016/90682), and the quality and appearance of the materials proposed, it is considered that condition 3 can be discharged.

Conditions 4 and 5

Condition 4 reads as follows:

Development shall not commence until a scheme detailing foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests) has been submitted to and approved in writing by the Local Planning Authority. 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 thereafter retained.

Reason: To ensure the provision of adequate means of drainage in the interests of amenity and in accordance with the requirements of Policies in the National Planning Policy Framework.

Condition 5 reads as follows:

Where infiltration techniques are proven not be an adequate means of disposal for surface water, development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3 litres per second has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm event, including an appropriate allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the provision of adequate means of drainage in the interests of amenity and in accordance with the requirements of Policies in the National Planning Policy Framework.

The applicant initially submitted a Detailed Drainage Design document (T J Booth Associates, dated 22/12/2017) and a drawing titled Drainage Plan & Details (rev p0).

On 27/03/2018 the Lead Local Flood Authority (LLFA) noted that the proposed design far exceeded the 3l/s minimum required by condition 5, raised other concerns regarding the applicant's submission, and advised that conditions 4 and 5 should not be discharged.

On 11/04/2018 Yorkshire Water (YW) advised that the submitted details were not acceptable. YW requested evidence to show that other means of surface water disposal (other than discharge to the public sewer) have been considered, and to explain why any other methods have been discounted. YW also requested evidence of existing impermeable areas positively draining to the public sewer.

On 02/10/2018 and 16/10/2018 the applicant submitted an amended drawing titled Drainage Plan & Details (rev p2) and a Detailed Drainage Design document (T J Booth Associates, dated 23/03/2018). These showed 1800mm attenuation pipes beneath the development's new estate road and a hydro brake, and referred to a 5l/s discharge rate to the YW sewer.

The applicant stated that the contents of these documents had been agreed with YW, and an email appended to the Detailed Drainage Design document (from John Wellham at YW, dated 14/08/2018) confirmed that soakaways would not be viable at this site, and that a 5l/s discharge rate could be accepted.

On 30/10/2018 the LLFA referred to earlier direct communication between the LLFA and the applicant's drainage consultant. The consultant had argued on 04/12/2017 that the site offered no opportunities for infiltration, due to the size of the development, the amount of proposed hardstanding, the proximity of foundations leaving little room for soakaways, the fact that the site is on a slope with neighbouring properties in close proximity downhill from the site, and the limited infiltration potential of the strata. The consultant also stated that the development could attenuate to an agreed discharge rate with YW. On 13/12/2017 the LLFA had agreed that these arguments were reasonable, but referred to a 3l/s discharge rate.

Also on 30/10/2018, the LLFA noted that the applicant appeared to have permission from YW for a 5l/s discharge rate, and that the LLFA would not contest this. The LLFA also confirmed that the proposed tank size (on-site attenuation) was adequate. The LLFA noted, however, that with the proposed 1800mm pipes, the new estate road would not be adoptable. On 30/11/2018 the LLFA confirmed that conditions 4 and 5 could be discharged, provided that it is emphasised to the applicant that the new estate road could not be adopted.

Strictly speaking, the applicant should submit a Section 73 application to amend the wording of condition 5 (specifically, to remove the reference to a 3l/s discharge rate) in light of the evidence submitted by the applicant and the advice of YW. However, the submission and determination of an application is not considered necessary for development to progress on site, and it is recommended that both conditions 4 and 5 be discharged, subject to an informative noting that a higher discharge rate is approved contrary to the wording of condition 5.

Condition 8

Condition 8 reads as follows:

No development shall take place until details of the junction and associated highway works, between the proposed estate road and Laund Road have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan.

The applicant's initial Discharge of Condition Information document (dated February 2018) stated that a full set of highways details had been designed by Paragon Highways, and that relevant information would be forwarded in the week beginning 19/02/2018. On 27/02/2018 the applicant submitted drawings 101 (Section 38 Design and Long Section) and 102 (Cross Sections). On 04/07/2018 the applicant submitted a Road Safety Audit and Designers Response (both Paragon Highways, ref: 1387, dated May 2018).

The above information details the junction of the development's new estate road and Laund Road, including 2.4m x 43m visibility splays.

HDM officers visited the site in November 2018 to ascertain whether adequate sight lines had been, or could be, provided at the junction of the development's new estate road and Laund Road. In comments dated 30/11/2018, HDM officers advised that condition 8 can be discharged.

Condition 10

Condition 10 reads as follows:

No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. 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. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on the approved plans and retained thereafter.

Reason: In the interests of highway safety and to accord with Policies D2 and T10 of the Kirklees Unitary Development Plan.

The applicant's information relating to condition 10 is listed above (much of the same information was submitted pursuant to both conditions 8 and 10).

On 09/04/2018 Highways Development Management (HDM) officers noted that the applicant had not yet contacted the council's Section 38 team, and that the Section 38 team would not agree to the discharge of conditions until they have issued technical approval for adoption of the development's new estate road.

Direct communication between the applicant and the council's Section 38 team continued in October 2018, and a site meeting was held. On 25/10/2018, however, the applicant advised that they had decided not to have the development's new estate road adopted, as "the implications of adopting the road are far too onerous for such a small development". The applicant

advised that the road would be built as per the drawings and details previously submitted, to an adoptable standard.

In comments dated 30/11/2018, HDM officers noted that the development's new estate road was not to be adopted by the council (and that it would not be considered for adoption in the future), and advised that condition 10 can be discharged.

It must be noted that, although the council is able to approve details pursuant to a condition that requires details of "the proposed internal adoptable estate roads", any such approval should not be taken as an acceptance that the development's new estate road is adoptable.

Condition 11

Condition 11 reads as follows:

No development shall commence until details of cycle storage facilities for the apartment block (plots 5-7) have been submitted to and approved in writing by the Local Planning Authority, the approved facilities shall thereafter be provided and made operational before first occupation of the apartment block and be retained.

Reason: To ensure that sustainable transport options are supported by the Development and to accord with Policy T17 of the Kirklees Unitary Development Plan and policies in the National Planning Policy Framework.

The applicant's initial Discharge of Condition Information document (dated February 2018) illustrated a cycle store that can accommodate three adult bicycles. In response to officers' queries, the applicant advised on 02/08/2019 that this cycle store would serve the development's apartments, and would be located adjacent to the parking space of plot 6.

Condition 11 only requires details of cycle storage for the development's apartments, and not for the houses.

In comments dated 30/11/2018, HDM officers advised that the submitted information relating to cycle storage was acceptable and that condition 11 could be discharged.

Condition 12

Condition 12 reads as follows:

Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and 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 and Policies in the National Planning Policy Framework and to ensure that any contamination matters at the site are appropriately investigated, and mitigated against before development is commenced.

The applicant's initial Discharge of Condition Information document (dated February 2018) stated that a Phase 1 Report would be submitted separately. On 27/02/2018 the applicant submitted a Phase 1 GeoEnvironmental Desk Study (Earth Environmental and Geotechnical, ref: A0697/17, dated November 2017).

The applicant's report referred to a medium risk to future users of the site and groundwater from contamination associated with the previous development of the site and from possible ground gas from nearby infilled areas. The applicant's report also recommended progressing to a Phase 2 intrusive survey to investigate these risks.

In comments dated 22/08/2018 (but not received until 18/10/2018), the council's Environmental Health officer advised that the applicant's report was sufficient for the discharge of condition 12, and that the applicant should now progress to a Phase 2 intrusive investigation as required by condition 13 of permission ref 2014/93584.

Condition 17

Condition 17 reads as follows:

Notwithstanding the submitted plans and information, a Method Statement for the provision of the 'area of scrub' as shown on the approved site layout plan Dwg. No. 07 Rev E, by a suitably qualified person, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the 'area of scrub' will be formed and allowed to develop, with details of planting, maintenance, and how it will be protected from any encroachment by the adjacent residential gardens. Thereafter, the development shall be carried out in complete accordance with the Method Statement, and the 'area of scrub' shall be retained thereafter.

Reason: In the interests of the enhancement of biodiversity of the site and in accordance with the National Planning Policy Framework, and to ensure that the provision of the 'area of scrub' is secured by the development, can be provided before construction work commences and protected thereafter.

The applicant's initial Discharge of Condition Information document (dated February 2018) stated that a method statement was being prepared by Middleton Ecology, and would follow shortly. The applicant eventually submitted a Site Clearance and Enhancement Method Statement (Middleton Bell Ecology, ref: MBE/OTH/2018/02, dated 14/02/2018) on 16/04/2018. In comments dated 23/04/2018, the council's Biodiversity Officer stated that this method statement, if implemented, was sufficient to discharge condition 17.

Condition 19

Condition 19 reads as follows:

Development shall not commence until a bat activity survey report, by a suitably qualified person, for all existing buildings located within the application red line boundary has been submitted to and approved in writing by the Local Planning Authority. The bat activity survey shall be submitted to the Local Planning Authority within 1 month of the survey having been undertaken. All mitigation measures and/or method statement required by the approved survey shall be provided and the development thereafter undertaken in accordance with the measures/method statement so approved.

Reason: To mitigate the impacts of the development on a protected species in compliance with Chapter 11 of the National Planning Policy Framework.

The applicant's initial Discharge of Condition Information document (dated February 2018) stated that a bat survey was being prepared by Middleton Ecology, and would be submitted in April. The applicant eventually submitted a Bat Activity Survey Report and Ecological Enhancement Plan (Middleton Bell Ecology, ref: MBE/BAT/2018/90/1, dated 29/08/2018) on 03/09/2018. This identified the presence of roosting bats, and proposed mitigation measures.

On the same day (03/09/2018), the council's Biodiversity Officer confirmed that the report was sufficient to discharge condition 19, provided that the report's mitigation measures are implemented.

Recommendation – Discharge conditions 3, 4, 5, 8, 10, 11, 12, 17 and 19 (subject to implementation).

Decision Notice Text

Condition 3 – Information set out in the Discharge of Condition Information document (February 2018), and information set out in email dated 13/04/2018

(Paul Briggs), are considered acceptable for the purpose of condition 3. Condition 3 will be discharged upon the completion of the development in accordance with these details.

Condition 4 – Drawing titled Drainage Plan & Details (rev p2) received on 02/10/2018 and information set out in the Detailed Drainage Design document (T J Booth Associates, dated 23/03/2018) received on 16/10/2018 are considered acceptable for the purpose of condition 4. Condition 4 will be discharged upon completion of the drainage works in accordance with these details.

Condition 5 – Although the applicant has submitted proposals for a higher discharge rate than the 3l/s rate specified in condition 5, drawing titled Drainage Plan & Details (rev p2) received on 02/10/2018 and information set out in the Detailed Drainage Design document (T J Booth Associates, dated 23/03/2018) received on 16/10/2018 are considered acceptable for the purpose of condition 5. Condition 5 will be discharged upon completion of the drainage works in accordance with these details. Please note that the inclusion of 1800mm diameter pipes in the drainage works precludes the adoption of the development's internal roads.

Condition 8 – Drawings 101 (Section 38 Design and Long Section) and 102 (Cross Sections), and information set out in the Road Safety Audit and Designers Response (both Paragon Highways, ref: 1387, dated May 2018, received 04/07/2018) are considered acceptable for the purpose of condition 8. Condition 8 will be discharged upon completion of the development in accordance with these details.

Condition 10 – Drawings 101 (Section 38 Design and Long Section) and 102 (Cross Sections), and information set out in the Road Safety Audit and Designers Response (both Paragon Highways, ref: 1387, dated May 2018, received 04/07/2018) are considered acceptable for the purpose of condition 10. Condition 10 will be discharged upon completion of the development in accordance with these details. Please note that the development's internal roads will not be adopted by the council.

Condition 11 – Information set out in the Discharge of Condition Information document (February 2018) is considered acceptable for the purpose of condition 11. Condition 11 will be discharged upon provision and retention of the cycle storage in accordance with these details.

Condition 12 – Information set out in the Phase 1 GeoEnvironmental Desk Study (Earth Environmental and Geotechnical, ref: A0697/17, dated November 2017, received 27/02/2018) is considered acceptable for the purpose of condition 12. Condition 12 is hereby discharged. Please note, however, that a Phase 2 intrusive investigation must now be carried out, as required by condition 13 of permission ref 2014/93584.

Condition 17 – Information set out in the Site Clearance and Enhancement Method Statement (Middleton Bell Ecology, ref: MBE/OTH/2018/02, dated

14/02/2018) received on 16/04/2018 is considered acceptable for the purpose of condition 17. Condition 17 will be discharged upon the completion of the development in accordance with this report.

Condition 19 – Information set out in the Bat Activity Survey Report and Ecological Enhancement Plan (Middleton Bell Ecology, ref: MBE/BAT/2018/90/1, dated 29/08/2018) received on 03/09/2018 is considered acceptable for the purpose of condition 19. Condition 19 will be discharged upon the completion of the development in accordance with this report and its mitigation measures.

Note: This letter does not approve any changes to the number, type or sizes of residential units previously approved under permission ref: 2014/93584.

Report Dated: 11/01/2019