

**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: 2018/62/91490/E

Site Address: Holme House Care Home, Oxford Road, Gomersal,
Cleckheaton, BD19 4LA

Description: Demolition of nursing home and erection of 8
detached dwellings with associated landscaping,
boundary treatment and vehicular access

Recommending Officer: Liz Chippendale

DECISION – CONDITIONAL FULL PERMISSION (S106)

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

Julia Steadman

AUTHORISED OFFICER

Date: 18-Oct-2018

OFFICER REPORT

Site Description

The application site is Holme House Care Home, which is located off Oxford Road in Gomersal. The site comprises of a number of substantial buildings which were previously in use as the care home but have now been redundant for some time and are in a state of disrepair.

The site itself is unallocated on the UDP proposals map but there are trees located along the frontage of the site with Oxford Road, as well as along the southern boundary, which are protected by group Tree Preservation Order(s).

Further south of the site is West House, which is a listed building; to the north is open land (allocated as Green Belt on the UDP proposals map); and to the east and west are residential properties.

Description of Proposal

The application is sought for the erection of 8 detached dwellings, comprising of 3 no. five bedroom dwellings with garage (plots 1, 2 and 6) and 5 no. four bedroom dwellings (plots 3-5, 7 and 8). The house types of the plots are as follows:

Plot 1 and 6 – house type 01
Plot 2 – house type 02
Plots 3- 5 – house type 03
Plot 7 – house type 04
Plot 8 – house type 05

All eight of the dwellings would be served via a shared access and turning head, with three parking spaces provided per dwelling within the site. Three further visitor parking spaces would also be provided within the site.

History of negotiations/amendments received

Negotiations have taken place during the course of the application regarding the access layout and the parking layout due to the impact on the protected trees. Amended drawings were received and further consultations completed which resulted in an agreed layout and access.

Relevant Planning History

2006/91914	Variation of condition 1 relating to the permission granted for a limited period only on previous permission 2000/93554 for renewal of unimplemented permission for erection of 54 bed nursing home Withdrawn
2005/90405	Outline application for erection of 31 retirement homes

	Refused
2000/93554	Renewal of unimplemented permission for erection of 54 bed nursing home Conditional full permission
95/93406	Renewal of previous permission for erection of 54 bed nursing home Conditional full permission
91/03376	Erection of 54 bed nursing home Granted conditionally
87/04885	Two storey extension to residential home Granted conditionally

Representations

Final publicity date Expires: 08.06.2018

Parish/Town Council comments – N/A

In total, three representations have been received; two in objection and one in support. A summary of the comments received is set out below:

Against

- The proposed alterations to access the site will cause an issue with services to the existing dwellings.
- The area to the front of Springfield House used as a small car park was stipulated by planning that it must remain clear to provide turning for emergency services.
- A number of trees which have preservation orders could be affected as a result of the development.
- The plan shows a single access/exit for 9 properties and also access for a lorry which delivers fuel to the biomass boiler at the new nursing home. This would be dangerous for residents and cause congestion.
- Although Holme House is in poor condition, it would be a pity to see it demolished with yet another 'identikit' housing development. There are examples within Gomersal showing what can be achieved. A more sympathetic and imaginative approach is required.
- It would be ironic if the present-day nursing home adjunct of no particular merit was to stay and Holme House lost due to its poor but perhaps not irrecoverable condition. The proposed development is a change for the worse.

In support

- No direct objections to the application and note that due diligence is being applied to the conservation of protected trees.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **K.C Highways Development Management** – No objection subject to condition
- **K.C Environmental Health** – No objection subject to condition
- **K.C Ecologist** – No objections subject to condition
- **K.C Arboricultural Officer** – No objection subject to condition
- **K.C Conservation and Design** – No objection
- **K.C Landscaping** – No objection subject to condition

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway Safety
- T19 - Parking

- EP11 – Ecological Landscaping
- G6 – Contaminated land
- H18 – Public open space
- EP4 – Noise sensitive development
- EP11 – Integral landscaping scheme to protect/enhance ecology
- NE9 – Retention of mature trees

Kirklees Publication Draft Local Plan (PDLP):

- PLP 21 – Highway Safety and Access
- PLP 22 – Parking
- PLP 24 – Design
- PLP 33 - Trees
- PLP 30 – Biodiversity and Geodiversity
- PLP 52 – Protection and improvement of environmental quality
- PLP 53 – Contaminated and unstable land
- PLP 63 – New open space

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, The Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of sustainable homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The site is a brownfield site which has no specific allocation on the Unitary Development Plan Proposals Map. Policy D2 of the Unitary Development Plan (UDP) states “planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

The relevant considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2.

It is noted that the former care home has been vacant for some time. A supporting heritage statement was submitted with the application which evidences that Holme House has remained vacant for 10 years with little or no maintenance. As a result of this neglect the internal environment is unsafe with the roof and floor timbers have become rotten with areas subject to significant failure to the structure. Any future repairs to the building would be subject to finding a suitable use to retain its upkeep and to date no alternative use has been found and thus it is expected to remain empty for the foreseeable future. The size, shape and location of Holme House excludes it from benefiting from a change of use to residential as the space around the building is too restrictive in terms of private amenity space, parking and overlooking. The position of Holme House on the site and the relationship to the existing trees prevents all reasonable use of the site with additional housing being impacted. If Holme House is retained, the potential profit from the reduced number of dwellings would not be able to offset the cost of reinstating Holme House as part of the development.

Turning to the principle of developing and the use of the site for housing, the application is assessed in relation to the aims of the NPPF. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies the dimensions of sustainable development as economic, social and environmental roles. It is considered a proposal for ten dwellings provides economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be social gain through the provision of new housing at a time of general shortage and national policy encourages the use of brownfield land for development.

The site is located within a sustainable location, and it is accepted that the loss of Holme House to provide care is outweighed by the provision of family homes which also brings social, economic and environmental benefits. Therefore, the principle of residential development is considered to be acceptable and would comply with the aims of the NPPF.

Impact on visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Paragraph 127 of chapter 12 of the NPPF sets out that, amongst other things, planning decisions should ensure that developments function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and; is sympathetic to local character and history.

The site is bordered by residential development to the North East and South West which are detached dwellings. To the North are open agricultural fields which is mirrored to the South with the addition of mature trees along Oxford Road. To the West is the new two storey care home with smaller traditional cottages and a detached dwelling to the rear which are accessed via the access through the site.

The proposal seeks permission to erect 8 dwellings on the brownfield site. UDP policy D2 seeks to avoid the overdevelopment of a site and policy BE1 of the UDP stipulates all development should be of good quality design which promotes a healthy environment, including space and landscaping about buildings.

The proposed development is considered to be acceptable in terms of scale, layout and design of the proposed dwellings. The development offers a mix of house types within a landscaped setting of mature trees which adds interest to the housing site.

Plot one (house type 01) and two (house type 02) are considered to be acceptable in terms of scale and design and sit well within the street scene to the North East of the site. The rear elevation adds interest to the street scene with a number of windows and roof form sloping away from the highway. The plots are screened somewhat by a number of mature trees along the Eastern border. The Northern elevation of plot 2 is a gable which will be visible looking down from Oxford Road from the North as it is at the corner of the site. The design of the windows add interest to the street scene to avoid a bulk mass in this prominent position.

Plots 3 – 5 (house type 03) are 3 storey, 4 bedroom detached dwellings which are located along the Northern boundary of the site. The dwellings are tall in height with a ridge height of 9.6m and eaves height of 6m which appears exaggerated due to the pitched roof. Although the dwellings are higher than the adjacent Holme cottage, the ridge height is lower than that of the existing care home therefore when viewed from the North of the site on Oxford Road the height would be appropriate within the context. The level of the site decreases from West to East and therefore the dwellings are stepped in height which also reduces any impact on visual amenity.

The modern glazing and large windows, although not evident within the immediate area are considered acceptable as views into the site are limited due to the layout and extensive tree cover providing screening. The existing cobbled street adjacent to Holme Cottage and Springfield Cottage will be retained and provide the access for the existing properties and plot 5 to ensure that that the character is retained.

Plot 6 is a 5 bedroom dwelling with attached garage located to the South West of the site. The dwelling has a driveway to the front with all private amenity space to the rear. There is an area of landscaping to the frontage and a protected tree which softens the built form. The dwelling is to be set within the site and therefore not visible from the street scene.

Plots 7 and 8 are located to the South of the site with the Eastern elevation of plot 8 facing Oxford Road. The design and scale of the dwellings are considered to be acceptable. This gable has a generous gable window at ground floor which reduces the bulk and mass of the gable. The dwelling is also set back from Oxford Road and screened by mature trees.

In all, the proposal is considered acceptable from a visual amenity perspective, in accordance with policies D2, BE1 and BE2 of the UDP, policy PLP24 of the PDLP and chapter 12 of the NPPF.

Impact on residential amenity:

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the UDP stipulates that development should protect the residential amenity of neighbouring residential properties and policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include Holme Cottage and Springfield Cottage to the West; Lowood to the South and nos. 458 – 472 Oxford Road to the East.

In respect of Holme Cottage and Springfield Cottage, these are terraced cottages with small amenity space to the rear located to the West of the site. It is proposed to retain the existing cobbled access road adjacent to the properties which would provide parking for the dwellings and also access to plot 5. Holme Cottage is located 3.6m from plot 5. Although there are windows within the elevation the angles of the existing and proposed dwellings are such that views would be very minimal so as not to impact on overlooking. Although the proposed dwellings are taller in height than the existing Holme Cottage due to the orientation of the properties this would not impact on overshadowing.

In respect of Lowood to the south, this is a detached dwelling which is accessed via the existing access to the South East of the site which is partly within the application site. Lowood is separated from plot 6 by a distance of 22m with private amenity space, trees and boundary treatment which will to some extent act as screens. It is therefore considered that there would be no impact of overlooking or over shadowing as a result of the development.

In respect of 458 – 472 Oxford Road, these are detached dwellings located to the East of the application site on the opposite side of Oxford Road. The distance between the properties is in excess of the recommended 21m as per policy BE12 of the UDP with the addition of boundary treatment and the retention of mature trees there is considered to be no impact of overlooking or overshadowing.

To the North of the site is an access road serving the existing care home which borders with an open field. This land is allocated as Green Belt land, however, the Council have proposed to remove the site from the Green Belt and allocated it for housing under the Draft Local Plan. As the Local plan is a material consideration at this time, the land would remain as Green Belt until such a time as the plan has not yet been adopted (with or without this

proposal). The land is located 17m from plots 3-5 and therefore complies with policy BE12 in relation to undeveloped land.

Plot 7 and Plot 8 have a window within the West elevation at ground floor to act as a secondary window serving a kitchen. To protect the amenity of residents and neighbouring properties it will be conditioned for this window to be obscurely glazed.

Plots 3 – 5 propose a window within the West elevation at first floor level to serve an en-suite. To protect the amenity of residents and neighbouring properties it will be conditioned for this window to be obscurely glazed.

Plot 6 proposes windows within the South elevation at both first and second floor to serve an en-suite at first floor and bedroom at second floor. The window at first floor will be conditioned to be obscurely glazed to protect the amenity of residents and neighbouring properties. Due to the angle of plot 6 in relation to Lowood and the extensive garden space it is considered that the window at second floor is acceptable so as not to cause overlooking to an unacceptable degree.

Plot 1 proposes windows within the North elevation at both first and second floor to serve an en-suite at first floor and bedroom at second floor. The window at first floor will be conditioned to be obscurely glazed to protect the amenity of residents and neighbouring properties. The window at second floor serves a bedroom which is also served by a roof light. It is 4.2m between the window and the gable of plot 2. It is therefore considered reasonable to condition that this window is obscurely glazed so as to protect the residential amenity of residents.

There is limited information as to the boundary treatment for the scheme both within the site and bordering the site. It is therefore considered reasonable for details to be submitted as to the type, material and heights of proposed boundary treatment.

It is considered, on balance, that there would not be an undue detrimental impact on the residential amenity of neighbouring properties, in accordance with the aims of policies D2 and BE12 of the UDP and policy PLP24 of the PDLP.

Impact on highway safety:

The site is located on Oxford Road close to the signalised junction with Bradford Road. Oxford Road is approximately 10.5m wide at this location with central hatching and footways to both sides. There are existing bus stops to both sides of Oxford Road to the site frontage. Access is directly onto Oxford Road (A651) which at this location links Gomersal with Birkenshaw. The speed limit along this section of road is 30 mph. Access to Holme House Care Home runs along the northern boundary and access to an existing property Lowood is retained to the southern boundary.

The application seeks approval for the demolition of a nursing home and erection of 8 no. detached dwellings with associated landscaping, boundary treatment and vehicular access. The 8 no. dwellings have an adequate level of private parking and on site visitor parking.

The proposed layout is shown to be acceptable to demonstrate that the proposed turning head and access road are of a sufficient size to accommodate an 11.85m refuse vehicle with acceptable bin collection points. The Highways officer has considered that the proposal is acceptable to Highways Development Management and therefore the development is in accordance with policy T10 of the UDP and Policy PLP21 of the Draft Publication Local Plan.

Impact on listed building:

As set out in the 'site description', West House is a listed building which is located further south of the application site. Due to the separation distance and tree coverage located between the sites, the application site is not considered to impact upon the setting of this listed building. The proposal is considered to comply with the aims of Chapter 16 of the NPPF.

Ecology:

The site is located within the bat alert layer and the application is supported by an Ecological Impact Assessment. The Council's ecologist notes the proposals are supported by an Ecological Impact Assessment. No objections are raised subject to the completion of works in accordance with the details contained within section 6 of the Ecological Impact Assessment dated 12th De ember 2017.

Trees:

The application site includes a number of mature trees which are subject to a tree preservation order. The applicant has submitted a tree protection plan and an arboricultural method statement to support the development ensuring minimal impact to the protected trees. The council's Arboricultural officer was consulted with regards to the proposal who commented as follows:

"The AMS and TPP are now satisfactory. A condition would need to be added to a permission to ensure that works are carried out in accordance with the Arboricultural method statement and Tree protection plan (Ref: 13931d/ChC)".

Environmental Health:

The site is in close proximity to the M62 (approximately 450m), Oxford Road and an adjacent farm, therefore, careful consideration should be given to the level of noise at the location. A condition will be added to the permission for the submission of a noise report prior to commencement of the development to ensure that levels of existing noise would not cause undue harm to future residents.

A phase 1 contaminated land report was submitted as part of the application which does not suggest any further intrusive investigation. However, due to the sensitive end use of the development it is recommended by the Environmental Health officer to add a condition for the developer to report unexpected contamination at the site.

The inclusion of the above conditions would ensure that the proposal complies with the aims of Chapter 15 of the NPPF.

To ensure that the development is in accordance with the West Yorkshire Low Emission Strategy Planning Guidance a condition will be added for the supply and installation of one charging point per unit (dwelling with dedicated parking).

Landscape:

The application site area is 4.1 hectares therefore in line with policy H18 of the UDP, the site is required to provide public open space (POS). An area of POS based on 8 dwellings, should be a minimum of 240 sq. m. which should be accessible and useable as amenity space for the wider public.

The site does not allow for POS within the site, therefore there should be an off-site contribution of £21,850 (secured by S106 agreement) to an existing play facility to improve the neighbourhood play facility, potentially at Richmond Grove, about 10 minute walk away off Dewsbury Road. The requirement of the site would be an area of play space, potentially incorporating natural play elements, and in this instance would require an off site contribution (which includes a commuted sum of the maintenance of the play equipment/surfacing).

The site layout is based around the position of existing mature trees which are subject to a TPO and existing landscape layout/planting along the Oxford road side. The majority of the green space is private garden space marked with existing and new trees within these areas. There are other areas marked on the plans as open space but it is not clear if this is communal space or landscaped and how these areas will be maintained.

A condition will be added therefore for a full landscape plan which includes hard and soft landscape details and planting plans in order to create a diverse and attractive landscape which would enhance the setting of the development. It is also advised that trees should be incorporated into the landscape plan in line with the West Yorkshire Combined Authority 'Green Streets' Principles with consideration given to street lighting and the maintenance schedule of trees to ensure a safe level of lighting at street level once trees mature.

The Coal Authority:

The application site falls within the defined development High risk area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered.

The planning application is accompanied by a Phase 1 Desk Study and Geo-environmental appraisal report. The report identifies that unrecorded mine workings are potentially present within the Middleton Little Coal seam at shallow depth beneath the site. Accordingly, the report makes appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes in order to establish the presence of shallow coal mines and to further assess the risk posed to the development. Gas monitoring is also recommended during site investigations.

The Coal Authority do not object to the proposed development with the condition that prior to the commencement of development the recommended investigative works are completed.

Drainage

The following details were submitted by the applicant with regards to drainage on the site:

“The site layout has been developed to ensure that the use of soakaways can be accommodated within private garden areas 5m away from the building. The drainage routes have been considered in terms of minimising the impact on the existing tree network and the root protection areas. The indicative drainage layout has been included with the planning application and the final detailed solution will be developed further in conjunction with the local authority and Yorkshire Water. Drives will be surfaced in a manner to comply with the Communities and Local Government guidance on permeable surfacing”.

The approach will be to provide sustainable a drainage system that minimises the reliance of off-site drainage works. Other solutions may be considered if soakaways are not possible”

A condition will be added to the permission requiring full details of the drainage of the site to be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development.

Contributions

The application site area is 4.1 hectares, therefore, in line with policy H18 the site is required to provide public open space (POS). An area of POS based on 8 dwellings, should be a minimum of 240 sq. m. which should be accessible and useable as amenity space for the wider public.

The site does not allow for POS within the site, therefore there should be an off-site contribution of £21,850. This amount has been secured by S106 agreement which includes a trigger that payment of the full amount shall be paid on occupation of the first dwelling.

Representations

Three representations have been received. In so far as they have not been addressed above, I respond as follows:

Against

- The proposed alterations to access the site will cause an issue with services to the existing dwellings.
Response: consultation has been carried out with the Highways DM officers. It has been confirmed that, subject to conditions, there are no objections. Furthermore, the granting of a planning application does not override any private legal matters relating to access rights.
- The area to the front of Springfield house used as a small car park was stipulated by planning that it must remain clear to provide turning for emergency services.
Response: Noted. As set out above, the granting of planning permission does not override any private legal matters/covenants that may exist. Furthermore, the proposals have been fully reviewed by the Council's Highway Development Management officers.
- A number of trees which have preservation orders could be affected as a result of the development.
Response: As set out in the main report, consultation has been carried out with the Council's Arboricultural officer who, subject to the inclusion of appropriate conditions, raises no objection to the proposal. The proposal is considered to comply with the aims of policy NE9 of the UDP and PLP33 of the PDL.
- The plan shows a single access/exit for 9 properties and also access for a lorry which delivers fuel to the biomass boiler at the new nursing home. This would be dangerous for residents and cause congestion.
Response: Noted however, as previously set out, the proposal has been reviewed by relevant consultees and, with the inclusion of appropriate conditions, the proposals are considered to comply with development plan and national planning policy.
- Although Holme House is in poor condition, it would be a pity to see it demolished with yet another 'identikit' housing development. There are examples within Gomersal showing what can be achieved. A more sympathetic and imaginative approach is required.
Response: Noted however, the proposal has been fully reviewed and considered acceptable from a visual amenity perspective. A mix of house types has been proposed which is considered appropriate on this site.
- It would be ironic if the present-day nursing home adjunct of no particular merit was to stay and Holme House lost due to its poor bur

perhaps not irrecoverable condition. The proposed development is a change for the worse.

Response: See comments in response to above bullet point.

In support

- No direct objections to the application and note that due diligence is being applied to the conservation of protected trees.

Response: Noted and addressed in the main assessment.

The representations received have been carefully considered when determining this planning application. However, when assessing the proposal against relevant planning policy and guidance, the proposal is considered satisfactory and would provide housing on a suitable and sustainable site.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2018/91490

Officer Recommendation: Section 106 Full Permission

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, BE5, BE11, BE12, T10, T19 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan and guidance given in the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as aims of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of any dwelling hereby approved, full details of all boundary treatments, including their height and material, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to accord with the aims of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as chapter 12 of the National Planning Policy Framework.

5. Development shall not commence until a scheme detailing foul, surface water and land 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 a percolation tests, where appropriate) 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 throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interest of amenity, environmental well-being and to accord with Policy BE1 (iv) of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that the drainage scheme is implemented at the appropriate stage of the development.

6. Prior to the development being brought into use, the vehicle access and parking area 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 interests of highway safety and to achieve a satisfactory layout in accordance with Policies D2, BE1, BE2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan as well as Chapter 14 of the National Planning Policy Framework.

7. No development shall take place until a scheme detailing the proposed internal 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, provision of KEEP CLEAR markings on Bradford Road, relocation of any necessary existing signing on Bradford Road, surface finishes and the treatment of sight lines, together with an independent safety audits covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development in the interest of highway safety and efficiency, in accordance with the aims of Policies D2 and T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

8. Development shall not commence until a Phase II Intrusive Site Investigation Report as detailed within Table 1 of the Coal Mining Risk Assessment prepared by Arc Environmental Ltd ref: 18-317.01L (dated 1st May 2018) to establish the exact situation regarding coal mining legacy issues on the site 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 from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan, PLP 53 of the Kirklees Publication Draft Local Plan and the Chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan, PLP 53 of the Kirklees Publication Draft Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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. 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan, PLP 53 of the Kirklees Publication Draft Local Plan and the Chapter 11 of the National Planning Policy Framework

11. 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 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 that unacceptable risks to human health and the environment from a coal mining features and hazards have been appropriately remediated in accordance with Policy G6 of the Kirklees Unitary Development Plan, PLP 53 of the Kirklees Publication Draft Local Plan and the Chapter 11 of the National Planning Policy Framework.

12. 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 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) Remediation

Strategy has been submitted to and approved in writing by the 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: So as to protect future occupants of the development from the potential risk of land contamination in accordance with Policy G6 of the Unitary Development Plan and the aims of the National Planning Policy Framework.

13. An acoustic report shall be submitted to and approved in writing by the local planning authority before the superstructure of the dwellings hereby approved first commences. The acoustic report shall be completed by a suitably competent person and shall determine the existing noise climate; predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and detail the proposed attenuation/design necessary to protect the amenity of the occupiers of the new residences (including ventilation if required)

Reason: In the interests of amenity of the occupiers of these properties and to accord with the aims of Policy EP4 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the East and West elevations of plots 3, 4, 5, 7 and 8; the North and South elevations of plot 6; the South elevation of plot 2 and North elevation of plot 1 hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Plan.

15. The development shall not be occupied until the window(s) within the ground floor of the west elevation of plots 7, 8, 3, 4 and 5 and the windows at first and second floor of plots 1 and 2 of the dwellings hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan.

16. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority . The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with aims of the National Planning Policy Framework.

17. The development shall be completed in accordance with the advice and directions contained in the Arboricultural Method Statement and Tree Protection Plan (JCA Ref: 13931d/ChC) these shall be implemented and maintained throughout the construction phase and retained thereafter as specified.

Reason: To protect the trees in the interests of visual amenity and to accord with the aims of Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP33 of the Kirklees Publication Draft Local Plan.

18. The details submitted within appendix 1: Biodiversity enhancement map within the submitted Biodiversity enhancement plan BE-7231 shall be implemented and maintained throughout the lifetime of the development.

Reason: In the interest of protecting the biodiversity of the site in accordance with the aims of Chapter 15 of the National Planning Policy Framework.

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees street scene 01484 221000) with regard to obtaining this permission and approval of the construction of vehicle crossings

within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85), Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is brought to the Applicants' notice that the Highway Department, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees street care 0800 7318765 or 'highways.section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under section 38 of the Highways Act 1990.

NOTE: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1626-D-20-001		04.05.2018
Street elevations	1626-D-20-015		04.05.2018
Grouped plans and elevations house type 05	1626-D-20-014		04.05.2018
Grouped plans and elevations house type 04	1626-D-20-013		04.05.2018
Grouped plans and elevations house type 03	1626-D-20-012		04.05.2018
Grouped plans and elevations house type 02	1626-D-20-011		04.05.2018

Plan Type	Reference	Version	Date Received
Location plan	1626-D-20-001		04.05.2018
Grouped plans and elevations house type 01	1626-D-20-010		04.05.2018
Existing site/block layout	1626-D-20-003		04.05.2018
Existing site/block layout	1626-D-20-002		04.05.2018
Topographical Survey	HH080217		04.05.2018
Proposed site plan colour	1626-D-20-004	C	22.06.2018
Arboricultural method statement	13931		6.7.2018
Indicative drainage layout	1626-D-20-005	C	22.06.2018
Biodiversity enhancement plan	BE723.1		01.08.2018
TRP Build up			22.06.2018
Tree method statement			13.06.2018
Phase 1 and bat scoping survey	13931a		04.05.2018
Coal Mining risk assessment	Ph1 Main v1		04.05.2018
Design and access statement			04.05.2018
Geotechnical report	1804		04.05.2018
Heritage statement			04.05.2018
Acoustic statement			04.05.2018
Holme House Arboricultural Report			04.05.2018
Holme House Arboricultural impact assessment			04.05.2018

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. The case officer requested for amendments to the layout of the internal road due to the impact on protected trees and access for refuse and emergency vehicles. The amended plans were submitted and considered acceptable.

Report Dated:

18.10.2018