

**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:** 2018/93964

**Site Address:** The Gables, 5 A, Halifax Road, Staincliffe, Dewsbury,  
WF13 4AA

**Description:** Outline application for erection of residential  
development

**Recommending Officer:** Adam Walker

**DECISION – Conditional Outline Permission**

**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.**

David Wordsworth

***AUTHORISED OFFICER***

**Date: 07-May-2019**

## Officer Report

### Site Description

The site comprises of a detached dwelling with garden and associated land.

The site lies in a predominantly residential area.

There are a small number of protected trees within the site along the frontage and there are areas of protected trees/woodland adjacent to the site. A large number of trees have previously been cleared from the site.

The eastern half of the site slopes downwards towards the south eastern boundary.

### Description of Proposal

Outline application for residential development with access the only matter that has been applied for.

### History of negotiations/amendments received

- Application originally submitted with all matters reserved. Applicant was requested to formally apply for 'access' because access was considered to be fundamental to the application.
- Application site boundary amended to include entirety of the proposed access improvements (i.e. to include part of the footway to the site frontage)
- Applicant confirmed that the total number of dwellings is not being applied for at this stage. Plan submitted removing the indicative layout for the purposes of clarity.
- Sightline to the right amended (reduced to 43m) so that the sightline is contained within the public highway and does not cut across the site, including protected trees.

### Relevant Planning History

There is no planning history that is directly relevant to this application.

### Representations

Six public representations have been received. A summary of the comments received is provided below:

- Entrance to the development is dangerous
- Traffic is heavy on Halifax Road with some vehicles speeding
- Access is on a hill

- Increased demand for on-street parking as a result of the additional housing. Parking is already difficult.
- Additional traffic which would increase the risk of accidents
- Added congestion on Halifax Road
- Previous road traffic accidents near this site
- Impact of construction phase from deliveries and demand for parking as well as increased noise and pollution and general disruption
- Potential impact on crime rates depending on who moves into the new development
- Trees have been removed from the site
- Loss of view
- Overlooking/loss of privacy

Ward Councillor comments:

Councillor Pandor –

“Not sure about this one – the road is on a hill, very busy and the area has already been overdeveloped.”

“All the trees have been chopped down – were any with TPOs?”

The density is too much for this area – 23 on site that is as tight as this – can you look at this please.

Have we considered sheltered housing as a result of growing elderly population?”

Following clarification on the indicative number of dwellings (18) Cllr Pandor has commented that “I still think this is over development – there’s too many dwellings on this site – also what’s happened to all the mature trees? – they can’t all have been chopped down and not have a TPO on.

Councillor Lowe –

“I’m not happy at all with this application.

First of all I’m aware that the land surrounding the present house has been completely cleared. Hope there were no TPOs on any of the trees that’s been chopped down!!

This stretch of road is on a big slope and is extremely busy, especially early morning and teatime with traffic from the local Primary School and the Hospital. With the proposed development having 23 dwellings this could mean at least 46 vehicles needing access in and out. Highways safety is a major concern.

And going from one dwelling to 23 dwellings sounds very overbearing”.

Following clarification on the indicative number of dwellings (18) Cllr Lowe has commented that “I too still think this is very much overdevelopment on this site. I can’t understand how Highways have no concerns! When schools return after the Easter Break can I suggest they stand with me at 8.30am and 3-6pm and observe!”

### **Consultation Responses**

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

KC Highways – No objection

KC Trees Officer – No objection subject to conditions and consideration of layout and landscaping as reserved matters.

KC Environmental Services – No objection subject to conditions

KC Planning Policy – No objection

KC Lead Local Flood Authority – No objection

Yorkshire Water – No objection subject to conditions

### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- PLP1 – Sustainable development
- PLP3 – Location of new development
- PLP7 – Efficient use of land
- PLP11 – Affordable housing and housing mix
- PLP21 – Highway safety and access
- PLP24 - Design
- PLP28 – Drainage
- PLP30 – Biodiversity
- PLP33 – Trees
- PLP49 – Education
- PLP52 – Contamination
- PLP63 – 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 19th February 2019, 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 5 – Delivering a sufficient supply of homes

Chapter 11 - Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

## **Assessment**

### General principle:

The application is submitted in outline form with all matters reserved save for access.

The proposal is for the redevelopment of a single dwelling, its residential curtilage and associated land. The land associated with the existing dwelling previously contained a significant amount of mature trees but these have all been felled with the exception of three trees to the site frontage which now have a TPO on them.

The site is unallocated in the Local Plan.

Chapter 5 of the NPPF promotes the delivery of new housing, including from windfall sites such as this.

PLP7 of the Local Plan and Chapter 11 of the NPPF promote an efficient use of land. PLP7 seeks to encourage the use of previously developed land in sustainable locations provided that it is not of high environmental value and states development should encourage the re use or adaptation of underused properties.

The proposal would provide additional housing within an existing built-up area and the development of the land for housing is considered to be acceptable and in accordance with PLP7 and the aims and objectives of the NPPF.

### Character and visual amenity:

An indicative layout has been submitted showing 18 dwellings although the applicant has confirmed that the total number of dwellings is not being applied for.

There are concerns with the indicative layout in that it does not relate especially well to the established urban grain of the area and the street scene.

Nearby development, including that on the opposite side of Halifax Road, is relatively closely spaced with much of it in an irregular pattern and the layout as shown does not respect this characteristic particularly well. Furthermore a number of the plots back onto Halifax Road and another plot has a gable end to the roadside and it is considered that any layout should have a stronger association with the street scene.

It is unclear whether the indicative layout has adequately accounted for the protected trees within and adjacent to the site and further information is necessary in order to establish this.

Plot 12 is also very close up to the site boundary.

In summary there is insufficient information to say whether 18 dwellings could be accommodated on the site. Nevertheless, the number of dwellings will be determined when 'layout' is considered as a reserved matter. The proposal achieves a density in excess of the minimum density required under PLP7 but the issue of density will need to be considered within the planning balance when 'layout' is applied for.

Matters of 'scale' and 'appearance' are also reserved for future approval.

#### Residential amenity:

There are some modern flats to the north west of the site that are set up from the site and some older properties just to the south east that are set down from the site. There are also existing houses on the opposite side of Halifax Road.

I am satisfied that an acceptable layout can be provided that would provide adequate separation and privacy to neighbouring property.

#### Highway safety:

The main point of access to the site has been applied for.

The existing access is to be improved to form a single exit/egress for the development.

The access is onto the A638 Halifax Road. This is a 30mph two way single carriageway main distributor road of approximately 8.9m width with footways on both sides and street lighting present. There is a hatched central reservation and kerbed central refuges at informal crossings. Halifax Road hosts a frequent bus route and there are stops within 215m. There are facilities including convenience stores, post office, pharmacy and primary schools within 550m and a secondary school within 1.5km. There are town centre facilities and a railway station at Dewsbury, approximately 1.7km away.

There was no trip generation information provided with the application however based on the indicative number of dwellings (18) there would be approximately 15 vehicles entering/exiting the site in the peak hour (at a two way trip rate of 0.8). The proposals are not expected to generate sufficient vehicular trips during the peak hours to have a severe impact on the operation of the local highway network.

The access is to be improved by widening and these works are all contained within the red line boundary.

Visibility splays of 2.4m x 60m have been demonstrated in both directions. These are above what would be required for a 30mph road unless the 85th percentile wet weather speed was in excess of 38mph. No information was supplied with regard to the 85th percentile wet weather speed.

The visibility splay to the left is acceptable at 60m however the splay to the right runs over the gardens of plots 13 to 18. Although the visibility splay can be protected by condition to keep any objects or planting within these gardens below 0.9m, HDM have advised that it would be more practical for the splay to be over the highway only. At 43m the whole of the splay is over the adopted highway and the extent of the splay is considered to be acceptable in highway safety terms. There are also additional benefits to containing the splay within the adopted highway; there are two protected trees within this area which should be retained where possible and the trees officer has recommended compensatory tree planting along the site frontage for trees that have previously been cut down. Furthermore, there is also a high stone wall to the site frontage and it may be desirable to retain this from a visual point of view. The amended splay enables these features to be accounted for.

The proposed access arrangements are considered to be acceptable. The internal road layout, turning and parking arrangements will be considered as part of the reserved matters.

The application is considered to comply with PLP21 of the Local Plan.

### Trees:

The site has been cleared of a significant area of trees, both semi mature and mature, in the summer of 2018. As a result a TPO was served protecting all the trees that remained and those adjacent to the site. In particular the tree removals along the site's frontage with Halifax Road were detrimental to the visual aspect of the street and members of the public using this busy road. The proposals for the future development of the site will therefore need to provide suitable mitigation for the tree losses along the frontage in particular and demonstrate that the proposals will not negatively impact upon the remaining woodland.

The principle of development for residential use of the site is acceptable but there are concerns that the constraints posed by the protected trees have not been taken into account when producing the indicative layout. Details submitted under 'layout' will need to take into account both above and below ground constraints of the protected trees on and

adjacent to this site and should be supported by a Tree Survey and Arboricultural Impact Assessment.

The proposed access into the site is reasonably well separated from the nearest protected trees within the site and there is nothing to suggest that significant alterations to the existing ground levels are required. The works to form the access will nevertheless need to be taken into account within the AIA.

#### Drainage:

The site is located within Flood Zone 1 and so is at the lowest risk of flooding from main river sources.

The site is also located within an area with very low surface water flood risk – less than 0.1% chance of flooding each year;

The Lead Local Flood Authority (LLFA) has provided comments on the application and no objections have been raised. Records show that the site is likely to be compatible for disposal of surface water via infiltration although testing will be needed to confirm this. If infiltration proves to be unsuitable then connection to a watercourse should be considered under the hierarchy of surface water disposal although the LLFA have indicated that sewer can be considered given that there are not any suitable watercourses nearby. Yorkshire Water have however stated that there is a culverted watercourse to the south east of the site at the rear of 103 Halifax Road and this should be investigated as a potential means of disposal. Such a connection would however require access over third party land. In any event, it is for the developer to provide the evidence that the hierarchy of surface water disposal has been followed as part of the detailed drainage proposals. It is reasonable for detailed drainage design is to be required by condition.

Any future layout will need to take into account the need to provide on-site attenuation.

A condition is also necessary in relation to temporary drainage.

#### Ecology:

Much of the ecological value of the site has been lost as a result of the tree felling that has taken place in the recent past. The site now mainly consists of overgrown grass.

The site is adjacent to mature woodland and falls within the bat alert GIS layer. As such there is the potential for the site to be used in some capacity as a foraging or commuting route for bats.

The dwelling to be demolished is in reasonably good condition and as such there are unlikely to be any significant implications for roosting bats.

Ecological information has not been provided in support of the application and it is therefore considered reasonable for conditions to be imposed requiring the submission of a Preliminary Ecological Appraisal which will determine the potential for significant ecological impacts, identify opportunities for ecological enhancement and determine if additional survey work is required. This will then enable identified mitigation and enhancement measures to be incorporated into the scheme that comes forward at reserved matters stage. The ecological information will therefore need to be submitted alongside the reserved matters relating to layout and landscaping.

The application is considered to comply with Policy PLP30 of the Local Plan and guidance in the NPPF subject to conditions.

#### Planning obligations:

##### *Affordable Housing*

The council's Interim affordable housing policy and PLP11 of the Local Plan require 20% of the total number of units to be affordable. The provision of affordable housing can be secured by condition. This will need to take into account any potential benefit provided by the vacant building credit. It will be for the applicant/developer to demonstrate that the vacant building credit should be applied (i.e. the existing dwelling meets the criteria set out in Planning Practice Guidance).

##### *Education*

PLP49 of the Local Plan states that the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. Any education contribution would be calculated when the total number of dwellings is known. As such a condition can be imposed to secure this provision.

##### *Public Open Space*

PLP63 of the Local Plan states that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. The provision of open space can be secured by condition.

##### *Sustainable travel*

A contribution towards a sustainable travel fund should be secured as part of the development, to enhance the sustainability of the development and help to meet the council's sustainability objectives and those set out in the NPPF.

#### Other matters:

### *Noise*

Parts of the proposed residential development are close to the busy Halifax Road and will potentially be affected by road traffic noise. A condition is necessary to ensure that any necessary noise mitigation measures are provided within the development.

### *Contaminated Land*

The site is not one which is considered to be potentially contaminated from its former use. However, because the proposed use is for one which is sensitive to land contamination together with the scale of the development contaminated land conditions are necessary.

### *Air Quality*

In an application of this nature it is expected that facilities for charging electric vehicles and other ultralow emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. This can be secured by condition.

### Representations:

Six public representations have been received. A response to the comments received is provided below:

- *Entrance to the development is dangerous*
- *Traffic is heavy on Halifax Road with some vehicles speeding*
- *Additional traffic which would increase the risk of accidents*
- *Access is on a hill*
- *Added congestion on Halifax Road*
- *Previous road traffic accidents near this site*

**Officer response:** HDM have carried out a technical assessment of the application and consider the proposed access to be acceptable, as set out earlier in this report.

- *Increased demand for on-street parking as a result of the additional housing. Parking is already difficult.*

**Officer response:** The proposed development will be required to provide adequate parking for the new dwellings along with space for visitor parking. This will be agreed through the reserved matters (principally 'layout').

- *Impact of construction phase from deliveries and demand for parking as well as increased noise and pollution and general disruption*

**Officer response:** There will inevitably be some disruption caused by the construction of the development. This is not a material planning consideration per se but the impacts of the development can be mitigated through a construction management plan. Issues of noise and dust etc arising from

construction are controlled through separate legislation (Environmental Health).

- *Potential impact on crime rates depending on who moves into the new development*

**Officer response:** This is not a material planning consideration.

- *Trees have been removed from the site*

**Officer response:** The trees were felled lawfully because they were not protected. Compensatory tree planting will be sought through the 'landscaping' of the site as a reserved matter.

- Loss of view

**Officer response:** This is not a material planning consideration.

- Overlooking/loss of privacy

**Officer response:** The layout of the site and the design of the dwellings are not under consideration at this stage and such issues will be considered through a subsequent reserved matters submission(s).

Concerns have been raised by two ward councillors. Responses have been provided to the ward councillors providing clarification (including in relation to trees) and advising that there are not considered to be justifiable grounds to refuse the application on the basis of overdevelopment and highway trees. No further comments have been received.

## **Conclusion**

The principle of additional residential development on the site is considered to be acceptable and the proposed access arrangements would not unduly prejudice highway safety. All other matters and planning issues are reserved for future approval and/or addressed by conditions.

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 – Approve**

## Decision Authorisation - Delegated Powers

**Application Number:** 2018/93964

**Officer Recommendation:** Approve

### Conditions and Reasons

1. Approval of the details of the scale, layout, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development commences.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, layout, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Details of 'scale' submitted pursuant to condition 2 shall include details of existing and proposed ground levels and proposed finished floor levels for the development.

**Reason:** In the interests of visual and residential amenity and to accord with Policy PLP24 of the Local Plan (as modified) and guidance in the National Planning Policy Framework.

6. Groundworks 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 unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy PLP53 of

the Local Plan (as modified) and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy PLP53 of the Local Plan (as modified) and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks 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 address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy PLP53 of the Local Plan (as modified) and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except 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 remove unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy PLP53 of the Local Plan (as modified) and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

10. 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 address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy PLP53 of the Local Plan (as modified) and guidance given in the National Planning Policy Framework.

11. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country

Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided;
- b) the layout and disposition of the units affordable housing to be provided;
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

**Reason:** To ensure the provision of affordable housing in accordance with the requirements of the Council's interim affordable housing policy (adopted December 2016) and PLP11 of the Kirklees Local Plan (as modified). This condition may require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of affordable housing have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).

12. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

**Reason:** To ensure the provision of open space to serve the development and in accordance with Policy PLP63 of the Kirklees Local Plan (as modified). This condition may require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of public open space have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).

13. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country

Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To facilitate an increase in the capacity of local schools commensurate with the demands of the development and to accord with PLP49 of the Kirklees Local Plan (as modified). This condition will require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of education facilities have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).

14. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country

Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of measures to promote the use of public transport by occupiers of the development have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To promote the use of sustainable forms of transport and to accord with Policy PLP20 of the Kirklees Local Plan (as modified) and guidance in the National Planning Policy Framework. This condition will require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of measures to promote the use of public transport have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).

15. 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 and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies PLP27 and PLP28 of the Kirklees Local Plan (as

modified) and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

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

**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 Policies PLP27 and PLP28 of the Kirklees Local Plan (as modified) and guidance in the National Planning Policy Framework.

17. A scheme detailing separate foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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. The drainage scheme so approved shall 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 Policies PLP27 and PLP28 of the Kirklees Local Plan (as modified) and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development.

18. A scheme restricting the rate of surface water discharge from the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events, with an appropriate allowance for climate change (30%). 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 and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies PLP27 and PLP28 of the Kirklees Local Plan (as modified) and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development.

**Note** - The maintenance and management arrangements for the surface water drainage infrastructure may require a planning obligation.

19. Before works to construct the superstructure of the 2nd dwelling commence, a report specifying the measures to be taken to protect the

development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:-

- a) Determine the existing noise climate;
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development and;
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** In the interests of amenity of the occupiers of the development and to accord with the requirements of Policies PLP24 and PLP52 of the Kirklees Local Plan (as modified) and guidance in the National Planning Policy Framework.

20. Notwithstanding the submitted details, a detailed design for the construction of the approved point of access on Halifax Road shall be submitted to and approved in writing by the Local Planning Authority before development commences. The access shall be constructed in accordance with the approved details and retained thereafter.

**Reason:** To ensure a suitable access and layout in the interests of highway safety and to accord with Policy PLP21 of the Kirklees Local Plan (as modified). This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

21. No development shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include the proposed phasing of works, 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. The scheme shall be completed in accordance with the details so approved and retained thereafter.

**Reason:** To ensure a suitable access and layout in the interests of highway safety and to accord with Policy PLP21 of the Kirklees Local Plan (as modified). This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

22. The visibility splays as shown on drawing number (08) 002 Rev D shall be cleared of all obstructions to visibility exceeding 1 metre in height before development commences and shall be retained free of any such obstruction at all times.

**Reason:** To ensure adequate visibility in the interests of highway safety and to accord with Policy PLP21 of the Kirklees Local Plan (as modified).

23. A construction management plan for the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site,

construction workers parking facilities and a scheme to demonstrate how the highway will be kept clear of mud/debris. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

**Reason:** In the interests of highway safety and amenity and to accord with Policy PLP21 of the Kirklees Local Plan (as modified).

24. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall be accompanied by a Preliminary Ecological Appraisal (PEA). The PEA shall determine the potential for significant ecological impacts, identify opportunities for ecological enhancement and determine if additional survey work is required. Where the PEA identifies the requirement for additional survey work, such surveys shall also be submitted alongside the details of 'layout' and 'landscaping' of the site submitted pursuant to condition 2. The PEA shall include ecological mitigation and enhancement measures to be incorporated into the development and such measures shall be provided in accordance with the approved details and thereafter retained.

**Reason:** To identify and provide necessary ecological mitigation and enhancement measures in accordance with Policy PLP 30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

25. Details of 'layout', 'scale' and 'appearance' submitted pursuant to condition 2 shall be accompanied by a Tree Survey and Arboricultural Impact Assessment (AIA), produced in accordance with BS5837:2012. The survey shall assess the protected trees within and adjacent to the site.

**Reason:** To protect the viability of mature trees in the interests of visual amenity and to accord with the requirements of Policy PLP33 of the Kirklees Local Plan (as modified).

26. Details of a scheme for the provision of electric vehicle recharging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The recharging points so approved shall be provided before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

**Reason:** To accord with PLP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

**NOTE:** Details submitted for the 'layout' of the site will need to demonstrate that adequate space has been provided for the storage of surface water. Surface water attenuation is required under condition 18.

**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.

**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 specification. Please also note that 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.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	(08)001 Rev C	-	16/4/19
Access Plan	(08)002 Rev D	-	16/4/19
Indicative Site Layout	(08)002	-	8/2/19
Design & Access Statement	Issue 1 20th January 2019	-	8/2/19

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. Negotiations were undertaken in respect of the proposed access arrangements.

**Report Dated:** 3/5/19