

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: 2018/60/92934/W

Site Address: former Gees Garage, New Hey Road, Outlane,
Huddersfield, HD3 3YJ

Description: Outline application for erection of residential
development

Recommending Officer: Adam Walker

DECISION – S106 -Outline Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Huddersfield Sub- Committee dated 24/01/19 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 23-Nov-2020

Decision Authorisation – Committee Decision

Committee: Huddersfield Sub Committee

Date of Committee: 24/1/19

Application Number: 2018/92934

Officer Recommendation:

DELEGATE approval of the application and the issuing of the decision notice to the

Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- Ensure that infrastructure and planning obligation requirements relating to planning applications 2018/92934 and 2018/92935 are considered and delivered cumulatively in order to accord with policy PLP5 of the Kirklees Publication Draft Local Plan.

Planning obligations to include:

- Education contribution
- Affordable housing (20% of the total number of units)
- Public Open Space (including provision for a Local Area of Play)

Committee Decision: Approve in line with the officer recommendation

Update report following committee decision:

There have been protracted negotiations regarding the wording of the Section 106 however an acceptable agreement has now been completed.

The Section 106 secures the provision of affordable housing, education contribution and open space contribution and links the planning obligations with outline planning application 2018/92935 which relates to the remainder of this housing allocation. This is in line with the committee resolution.

Conditions have been shared and agreed with the agent.

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 'layout' and 'landscaping' submitted pursuant to condition 2 shall include a noise mitigation scheme for the development. The scheme shall detail the acoustic specification for the building envelope of all plots and any necessary acoustic barriers so that the following sound levels are not exceeded:

- 30 dB LAeq,8 hour inside bedrooms between 23:00 and 07:00
- 45 dB L_{Amax} inside bedrooms between 23:00 and 07:00
- 35 dB LAeq,16 hour inside living rooms between 07:00 and 23:00
- 40 dB LAeq,16 hour inside dining rooms/areas between 07:00 and 23:00 and
- 55 dB LAeq,16 hour at external amenity areas between 07:00 and 23:00

For any rooms where windows need to be kept closed to achieve the above sound levels, details of alternative means of ventilation shall be proposed as part of the noise mitigation scheme. The alternative ventilation shall provide at least the same ventilation that would otherwise be achieved by opening windows in order to provide a satisfactory means of controlling thermal comfort by helping to prevent overheating in the room in warm weather. The approved noise mitigation scheme, including any necessary additional ventilation, shall be provided before the dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

6. 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 LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall include an ecological design strategy (EDS) that is based on up-to-date ecological survey information (no older than two appropriate survey seasons prior to submission) and includes nocturnal survey/s for the presence or likely absence of roosting bats. The EDS shall include details of mitigation and enhancement measures sufficient to provide a net biodiversity gain and shall include the following:

- a. Purpose and conservation objectives for the proposed ecological measures.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance.
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

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

Reason: To ensure a final agreed scheme that avoids or minimises ecological impacts and provides an overall net biodiversity gain. This is to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. A Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CMP shall include:

- Details of the times of use of the access for construction traffic;
- Construction workers parking facilities;
- A scheme to demonstrate how the highway will be kept clear of mud/debris;
- Measures to mitigate the impact of noise & vibration on neighbouring residential properties arising from all construction related activities (including suitable restrictions on the hours of working on the site including times of deliveries);
- Measures to mitigate the impact of dust on neighbouring residential properties arising from all construction related activities and;
- Details of artificial lighting used in connection with all construction related activities.

The approved CMP shall be adhered to throughout the construction of the development.

Reason: In the interests of highway safety and residential amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan. This is a pre-

commencement condition so that such matters are addressed at an appropriate stage of the development process.

9. Groundworks 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 identify unacceptable risks to human health and the environment arising from potential contamination and the legacy of coal mining. This is to accord with Policy LP53 of the Local Plan 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. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, 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 and the legacy of coal mining. This is to accord with Policy LP53 of the Local Plan 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.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in 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 LP53 of the Kirklees Local Plan 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.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. 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 unacceptable risks to human health and the environment arising from potential contamination have been addressed. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

13. A scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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 LP27 and LP28 of the Kirklees Local Plan 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.

14. Notwithstanding the submitted information, details of 'layout' submitted pursuant to condition 2 shall include 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). 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 Policy LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

15. Notwithstanding the submitted information, details of 'layout' submitted pursuant to condition 2 shall include a scheme restricting the rate of surface water discharge from the site. 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 Policy LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. Notwithstanding the submitted details, a detailed design for the construction of the approved access arrangements on New Hey Road that is based on drawing number 2554 – 04C (Proposed Highways Frontage) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The accesses 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 LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

17. 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 LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

18. The visibility splays as shown on drawing number 2554 – 04C (Proposed Highways Frontage) 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 LP21 of the Kirklees Local Plan.

19. An electric vehicle recharging point shall be provided for each dwelling. Each recharging point shall be provided on an external wall of the dwellinghouse adjacent to its dedicated parking area or within its garage. The recharging points shall be provided before the dwelling to which the recharging point relates is first occupied and shall thereafter be retained. 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 Policy LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

20. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall include a crime impact assessment for the proposed development. The assessment shall detail how the layout and landscaping minimise opportunities for crime in accordance with 'Secured by Design' principles. The development shall be provided in accordance with the details so approved and shall thereafter be retained.

Reason: To minimise opportunities for crime and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Note regarding condition 15 - The maintenance and management arrangements for the surface water drainage infrastructure may require a planning obligation.

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 13.00 hours 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:-

Plan Type	Reference	Version	Date Received
Location Plan	2554/1 – LOC	-	7/9/18
Existing Site Plan	2554/1 - 01	-	7/9/18
Proposed Highways Frontage	2554 – 04C	-	16/1/19
Supporting Information	Indicative Masterplan 2554/1 – 02D	-	16/1/19
Supporting Information	Indicative Site Sections 2554/1 - 03	-	7/9/18

Plan Type	Reference	Version	Date Received
Supporting Information	Indicative Drainage Strategy Plan EWE/2338/01	-	7/12/18
Vehicle Tracking & Visibility	1518 / 01	-	9/1/19
Highway Statement	Paragon Highways September 2018	-	25/9/18
Supporting Highways Information	Speed Surveys produced by Abacus Traffic Surveys dated 23/11/18	-	9/1/19
Stage 1 Road Safety Audit	AC Road Safety Audits January 2019	-	17/1/19
Email from Paragon Highways dated 23/1/19 amending Stage 1 Road Safety Audit	Lee Ogden (Paragon Highways) to Kirklees Council	-	23/1/19
Phase 1 Desk Study Report	Demeter Environmental Ltd 18-07-05 Revision 1 October 2018	-	21/11/19
Drainage Assessment	Prepared by EWE Associates Ltd December 2018	-	7/12/18
Supporting Information	Details of off-site drainage infrastructure (Yorkshire Water)	-	4/12/18
Report on Soakaway Testing	Rogers Geotechnical Services J4332/18/L/S August 2018	-	7/9/18
Preliminary Ecological Appraisal	Quants Environmental Ref 1154a August 2018	Rev 1	7/9/18

Plan Type	Reference	Version	Date Received
Planning, Design and Access Statement	Acumen September 2018 2554/1	-	7/9/18

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional information was requested to enable a full highways assessment and to inform the drainage assessment.

Report Dated: 20/11/20