

**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: 2019/60/91630/W
Site Address: 4a, Ruth Street, Newsome, Huddersfield, HD4 6JF
Description: Outline application for erection of 30 dwellings and 12 apartments with ancillary works
Recommending Officer: Bill Topping

DECISION – Conditional outline approval subject to a Section 106 agreement

I hereby authorise the conditional approval of this outline application subject to a S106 agreement for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kate Mansell

AUTHORISED OFFICER

Date: 17-Jun-2020

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 19/12/19

Application Number: 2019/91630

Officer Recommendation: Delegate to Officers to secure the signing of Section 106 Phasing the development hereby approved and securing the implementation and restoration of the existing mill

Committee Decision: As per Officer recommendation.

Events since the Committee

The Section 106 negotiated and signed

Extension of time agreed until 19/06/20.

Conditions and Reasons:

1. Prior to the commencement of development, plans and particulars of the Reserved Matters relating to access, appearance, landscaping, layout and scale (hereinafter called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the Reserved Matters so approved.

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

This pre-commencement condition is necessary to ensure that Reserved Matters are approved at an appropriate stage of the development process.

2. Application(s) for approval of Reserved Matters 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.

3. 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.

4. 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.

5. No development shall take place until details of the junction and associated works, between the proposed estate road and Hart Street have been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works to provide the junction have been provided in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

6. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

7. Before development commences details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

8. Within the first 3 months of any part of the development being brought into use a travel plan shall be submitted to and approved in writing by the LPA. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- The provision of 'live' and other bus/train information;
- Provision of METRO passes;
- Car sharing facilities
- The upgrade of bus stops and shelters where necessary;
- The introduction of working practices to reduce travel demand and
- The provision of on-site cycle facilities and information.

The Travel Plan will include details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel

plan shall thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the guidance contained in part 9 of the National Planning Policy Framework, and Policy LP20 of the Kirklees Local Plan.

9. Prior to any development commencing, a scheme for the protection of public users of footpath HUD/184/10 and HUD/185/10 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted scheme shall address how public safety is to be ensured during works (including any demolition, construction, conversion, and excavation). The applicant may consider including details of measures such as signing, guarding, surface protection, use of banksmen around operations including plant use, laying of services, in addition to the delivery, loading, unloading, storage and movement of materials on site. The approved scheme shall thereafter be implemented and retained throughout the period of the works.

Reason: In the interests of pedestrian safety and to accord with Policy LP23 of the Kirklees Local Plan.

10. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. Wheel washing facilities;
- v. Measures to control the emission of dust and dirt during construction;
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii. Delivery, demolition and construction working hours;
- viii. Site manager and resident liaison officer contact details (including their remit and responsibilities).

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason. In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

11. 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 and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy PLP53 of the Kirklees Local Plan (as modified) and Chapters 15 of the National Planning Policy Framework.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

15. Following completion of any measures identified in the approved Remediation Strategy or 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 have been completed for (that part of) the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

16. 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 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Following completion of any measures identified in the approved Remediation Strategy.

17. Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities to. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and the Local Plan

18. Prior to development commencing a scheme detailing the provision of electric charging points, shall be submitted for the written approval of the local planning authority. The agreed scheme shall be implemented prior to the occupation of any of the dwellings they relate to.

Reason. To accord with policy LP51 of the Kirklees Local Plan.

19. No development shall take place until a scheme detailing bio diversity enhancement (including bird and bat roost opportunities within the development) has been submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to occupation, or in accordance with a timetable to be agreed who the Local Planning Authority, and retained permanently thereafter.

Reason. To accord with policy LP30 of the Kirklees Local Plan.

20. No development shall commence until a scheme detailing separate foul, surface water and land drainage, (including off site works, outfalls, an agreed surface water discharge rate with the LLFA, balancing works incorporating the critical 1 in 30 and 1 in 100 storm events with a 30% allowance for climate change, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. 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 retained thereafter in accordance with the agreed management and maintenance plan.

Reason. In the interest of the satisfactory drainage of the site, and to accord policy LP28 of the Kirklees Local Plan.

21. No development shall commence until a detailed assessment of, and scheme to mitigate, the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off, pre and post development between the development and the surrounding area, in all directions has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed. The approved scheme shall be retained permanently thereafter.

Reason. In the interest of the satisfactory drainage of the site, and to accord with policy LP28 of the Kirklees Local Plan.

Footnote pursuant to Condition 5

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.

Footnote pursuant to Condition 5: - Adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, 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 1980.

Footnote pursuant to Condition 9 (PROW)

The public footpaths (HUD/184/10 and HUD/185/10)) which abut the site shall not, at any time, prior to, during or after construction of the dwelling, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

Footnote pursuant to Conditions 11-16

All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design and Access Statement			15/8/19
Location Plan	2968.2.240		15/8/19
Site/block plan	2968.2.240		15/8/19
Proposed street scene 1	2968-2.233		15/8/19
Group plans/elevations(Duplex)	2968-2.235		15/8/19
Proposed street scene 2	2968-2.234		15/8/19
Group plans and elevations (Terrace)	2968-2.236	3B	15/8/19
Group plans/elevation(end terrace)	2968-2.236	3B	15/8/19
Group plans/elevations (plots 10-12)	2968-2.238	2B	15/8/19
Group plans/elevations(plots39-42)	2968-2.238	2B	15/8/19

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 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.

Report Dated:

21/5/20