

**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: 2020/62/90942/W

Site Address: Land at, Ainley Top, Yew Tree Road and Burn Road,
Birchenccliffe, Huddersfield, HD2 2EQ

Description: Erection of 30 dwellings and associated works

Recommending Officer: Adam Walker

DECISION – S106 Full Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 14/10/21 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 01-Jun-2021

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 14th October 2020

Application Number: 2020/90942

Officer Recommendation:

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

Head of Planning and Development in order to complete the list of conditions including those contained within the committee report and Update and to secure a Supplemental S106 agreement to cover the following matters:

1. Two affordable dwellings on-site with a tenure split of one intermediate and one social rented
2. Education contribution (£24,710)
3. Open space contribution (£9,473)
4. Off-site highway contribution for junction improvements to Halifax Road/East Street junction (£7,894)
5. Metro Cards (£2,456)
6. Arrangements for future maintenance and management of surface water drainage Infrastructure

Committee Decision: Approve the application in line with the officer recommendation.

Update report following committee resolution:

- The supplemental Section 106 agreement has been completed (dated 17th May 2021).
- Conditions have been shared with the applicant. There are no 'pre-commencement' conditions that would require formal agreement with the applicant.

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, as amended by the Planning and Compulsory Purchase Act 2004.

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 LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The development shall be carried out in accordance with the phasing and construction management plan details as approved under application reference 2017/44/93768/W and 2018/44/90531/W. This includes in relation to construction phasing, temporary drainage arrangements, access arrangements for construction traffic and the phasing for the delivery of off-site highway works.

Reason: The development forms part of a larger residential development that is being constructed by the applicant under application reference 2017/62/90180/W. The condition is to ensure that the construction of this part of the site remains consistent with the details as previously approved for the site as a whole. This is in the interests of highway safety, drainage and residential amenity, and to accord with policies LP21, LP24 and LP28 of the Kirklees Local Plan.

4. The dwellings and garages hereby approved shall be faced in Marshalls Cromwell Pitched Faced Weathered Stone and Calderdale Edge (Grey) Roof Tile and retained as such.

Reason: To ensure that the development matches the remainder of the development as approved under application reference 2017/62/90180/W. This is in the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

5. The drainage system serving the development shall be provided in accordance with the drainage scheme as approved under application 2017/44/93768/W and shall be retained as such. The future maintenance and management of the surface water drainage infrastructure serving the development shall be provided in accordance with the details as approved under application 2018/44/90531/W.

Reason: The development forms part of a larger residential development that is being constructed by the applicant under application reference 2017/62/90180/W. The condition is to ensure that the drainage for this part of the site remains consistent with the drainage details as previously approved for the overall site. This is to accord with Policy LP28 of the Kirklees Local Plan.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy prepared by Lithos Consulting and dated September 2017 (reference 1841/5), as approved under application reference 2017/62/90180/W. Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be submitted to and approved in writing by the Local Planning Authority before any dwelling to which the remediation measures relate is first occupied.

Reason: To remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

7. The development shall be carried out in accordance with the Construction Environmental Management Plan (Biodiversity) prepared by Brooks Ecological (report reference R-2777-03 dated September 2017) and the Japanese Knotweed Solutions Ltd Survey and Recommendations dated 15 March 2016, as approved under application reference 2017/62/90180/W.

Reason: To mitigate the impacts of the construction of the development on biodiversity and to accord with guidance in the National Planning Policy Framework.

8. The dwellings shall be fitted with double glazed windows and trickle vents, as specified in the Noise Report dated 29 August 2014 produced by Environmental Noise Solutions (Ref NIA/5166/14/4849 DRAFT) and approved under application reference 2017/62/90180/W. The glazing and trickle vents shall be retained as such thereafter.

Reason: In the interests of protecting the amenity of future occupiers of the development from noise and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

9. Details of a scheme for the provision of bat and bird boxes to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed to roof level. The bat and/or bird boxes shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan.

10. The development shall be subject to the arrangements detailed within the Residential Travel Plan as approved under application 2018/44/90531/W.

Reason: The development forms part of a larger residential development that is being constructed by the applicant under application reference 2017/62/90180/W. The condition is to ensure that the development as approved in this part of the site remains consistent with the details as previously approved for the development as a whole. This is in the interests of promoting sustainable travel and to accord with Policy LP20 of the Kirklees Local Plan.

11. An electric vehicle recharging point shall be provided for each of the new dwellings (either within the dedicated garage or a point on the dwelling that is accessible to its dedicated parking spaces). Cable and circuitry ratings shall be of

adequate size to ensure a minimum continuous current demand of 16 Amps. The

recharging point shall be provided before the dwelling to which it relates is first occupied. All recharging points shall thereafter be retained.

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, guidance contained in the

National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

12. The private vehicle parking areas shall be surfaced and drained before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

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

13. Two ground floor 'tax windows' shall be incorporated into the north facing side wall of plot 51. These features shall be provided before this dwelling is first occupied and shall thereafter be retained.

Reason: To provide some additional visual interest to this elevation to improve the overall quality of design. This is to accord with Policy LP24 of the of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

14. A scheme for the provision of external lighting to the shared private driveways within the site shall be submitted to and approved in writing by the Local Planning Authority before any dwelling that is served off a shared private driveway is first occupied (i.e., plots 62-65, 98-99 and 102-105). The approved lighting scheme shall be provided before the private driveway to which it relates is first brought into use. The lighting shall thereafter be retained.

Reason: To enhance the security of the development and mitigate opportunities for crime and reduce the fear of crime. This is to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

15. Notwithstanding the submitted information, revised details of the boundary treatment adjacent to the rear access paths associated with plots 55/56, 58/59 and 96/97 shall be submitted to and approved in writing by the Local Planning Authority before any of these plots are first occupied. The boundary treatment so approved shall be provided before the dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: To enhance natural surveillance of the rear access paths and mitigate opportunities for crime and reduce the fear of crime. This is to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. Notwithstanding the submitted information, revised details of the position of the rear access gates to the side of dwellings shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The gates shall be repositioned towards the front of the dwellings where practicable. The gates shall be provided in accordance with the approved details before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: To enhance the security of the development and mitigate opportunities for crime. This is to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	350-LP-02	-	6/4/20
Proposed Site Plan	350-01.02	Rev S	12/10/20
Proposed Street Scene A-A	350-SS-01	-	6/10/20
Bamburgh House Type Floor Plans	PD/14/01	-	6/4/20
Bamburgh House Type Elevations	PD/14/02	-	6/4/20
Alderton House Type Plans & Elevations	PD/70/01	-	6/4/20
Berkhamstead House Type Elevations	PD/18/01	-	6/4/20
Berkhamstead House Type Floor Plans	PD/18/02	-	6/4/20
Edlingham House Type Floor Plans	PD/04/04	-	6/4/20
Edlingham House Type Elevations	PD/04/05	-	6/4/20
Hedingham House Type Floor Plans	PD/19/01	-	6/4/20
Hedingham House Type Elevations	PD/19/02	-	6/4/20
Aldfield House Type Plans & Elevations	93.01.PD	-	6/4/20
Salcombe House Type Plans & Elevations	PD/07/01	-	6/4/20
Birkwith House Type Plans & Elevations	PD/51/02	-	6/4/20
Hadleigh House Type Plans & Elevations	PD/01/01	-	6/4/20
Plot 54 Floor Plans	01.PD.01A	Rev A	24/9/20
Plot 54 Side Elevation	01.PD.08 A	Rev A	24/9/20
Coal Mining Information (shaft search)	Letter from Lithos Consulting 055/1841/REG/mar 25th May 2016	-	6/4/20

Plan Type	Reference	Version	Date Received
Coal Mining Information	Letter from Lithos Consulting 1841/136/SRJ 4th September 2020	-	7/9/20
Preliminary Geoenvironmental Appraisal	Lithos Consulting 1841/1 April 2014	-	6/4/20
Geoenvironmental Appraisal	Lithos Consulting 1841/3A November 2015	-	6/4/20
Remediation Strategy	Lithos Consulting 1841/5 September 2017	-	5/10/17
Noise Impact Assessment	Environmental Noise Solutions NIA/5166/14/4849 DRAFT 29 August 2014	-	23/1/17
Biodiversity CEMP	Brooks Ecological R2777-03 September 2017	-	10/10/17
Japanese Knotweed Solutions Ltd Survey and Recommendations	15 March 2016	-	18/10/17

Report Dated: 26/5/21