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:	**2021/60/90025/W**
Site Address:	land opp, former garages, Stocks Walk, Almondbury, Huddersfield, HD5 8XB
Description:	Outline application for erection of assisted supported living accommodation (within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION – Grant Outline Planning Permission Subject to Section 106 Legal Obligation

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 01-Jul-2022

Decision Authorisation – Committee Decision

Committee: Huddersfield Sub Committee

Date of Committee: 9th December 2021

Application Number: 2021/90025

Officer Recommendation: Refuse.

Reason for Refusal:

'1. The proposed building would be sited in close proximity to a protected tree to the west of the application site and therefore pruning would be necessary to accommodate the building which would disfigure the tree and threaten the public amenity value. Furthermore, due to the proximity of the building to the tree there would be ongoing conflict that would significantly increase the pressure to prune or fell this tree in the future. For these reasons the proposal would be contrary to Policy LP33 of the Kirklees Local Plan'.

Committee Decision: Delegate to the Head of Planning and Development to approve, contrary to the officer's recommendation to refuse, subject to securing a s106 Legal Obligation to ensure that the dwellings are used only for 'assisted supported living accommodation' as set out within the application.

This has the effect of granting outline planning permission, subject to securing a completed Section 106 Obligation. The required Section 106 Obligation was completed on 2nd March 2022.

The schedule of planning conditions below has been agreed in writing with the applicant's agent.

Conditions and Reasons

1. Approval of details of landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
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 permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to 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 matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority. This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of the last such matter to be approved.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

5. Notwithstanding the details shown on the submitted plans, the external walls of the assisted supported living accommodation hereby approved shall be constructed of coursed natural stone, a sample of which along with a sample of the roofing material to be used shall be submitted to and approved in writing by Local Planning Authority prior to their first use. The development shall thereafter be constructed from the approved materials.
Reason: In the interests of visual amenity and to ensure that the approved building is sited unobtrusively in the streetscape, avoiding any jarring or adverse impact on the adjacent Grade II Listed Building to the north or the Almondbury Conservation Area, to accord with Local Planning Policies LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders Design Guide SPD and Chapters 12 and 16 of the National Planning Policy Framework.

6. Prior to any construction commencing on site, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. 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 the provision, use and retention of adequate wheel washing facilities within the site. Thereafter, 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 residential amenity and to accord with Policies LP21 and LP52 of the Kirklees Local Plan.

7. Prior to the development being first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. These areas shall thereafter be retained surfaced and drained in accordance with the aforementioned guidance.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to ensure that the areas are appropriately drained to mitigate flood risk, in accordance with policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Policies within Chapter 14 of the National Planning Policy Framework.

8. No development shall take place until a desk-based archaeological assessment has been undertaken by a suitably qualified person to determine as far as reasonably possible from existing records, the nature, extent and significance of the historic environment in which the application site is located. Based on the results of the desk-based assessment further archaeological works may be required. If indicated to do so, a programme of archaeological recording at the application site shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation and the development of the site shall be undertaken in accordance with the approved scheme.
Reason: This is a pre-commencement condition to ensure that an appropriate level of archaeological observation and recording has been carried out at the site as it is located in Almondbury which is mentioned in the Domesday Book of 1086 and adjacent to All Hallows' Church which appears to originate in the late 11th or early 12th century (National Heritage List for England No. 1,225,096 and West Yorkshire Historic Environment Record PRN 834). This is in accordance with LP35 of the Kirklees Local Plan and paragraph 194 of the National Planning Policy Framework.

9. Before the hereby approved assisted supported living accommodation is brought into use, one electric vehicle recharging point shall be provided per unit of accommodation within the dedicated parking area to serve each unit. Cable and circuity ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy, Policy LP24 of the Kirklees Local Plan and Principle 18 of the Housebuilders Design Guide.

10. The site shall be developed with separate systems of drainage for foul and surface water. Before development commences on the superstructure of the assisted supported living accommodation hereby approved, a scheme detailing surface water drainage (designed in accordance with the Hierarchy of Drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.
Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11. 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. No part of the site shall be brought into use until such time as that part of 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 Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

12. Notwithstanding the approved plans and information, 1 new bat tube or similar to the Schwegler type 1FR bat boxes, shall be installed to the new building during the period of construction on the northern elevation (rear) at least 5 metres above ground and not directly above doors or windows. Thereafter the bat tube shall be retained.
Reason: To enhance opportunities for biodiversity at the site and to accord with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and national guidance set out in Chapter 15 of the National Planning Policy Framework.

13. The first floor windows in the north-western, rear, elevation of the assisted supported living accommodation shall be first installed with obscure glazing (minimum Level 4). The first floor windows in the north-western, rear, elevation

of the assisted supported living accommodation shall thereafter be retained obscurely glazed (minimum Level 4).
Reason: In the interests of residential amenity given the proximity of these windows to properties along Cemetery Walk and to accordance with Principle 6 of the Housebuilders Design Guide SPD, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Electric Vehicle Charging Points –

- A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). a 32A (7kW) is however more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of *"Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)"* by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance -

- Land Contamination Risk Management (LCRM)
- BS 10175:201bngjghjgj1+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: Noisy construction related activities shall not take place outside the hours of -

- 0730 to 1830hrs Mondays to Fridays
- 0800 to 1300 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice

served using the above-mentioned legislation would be an ,, for which the maximum fine on summary conviction is unlimited.

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) regarding 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.

NOTE: Section 38 road adoption by Kirklees as a Highway Authority cannot take place unless sewerage located under the carriage way is adopted first. Therefore, all structures under an adoptable carriageway would need to meet the standards as set out by the statutory undertaker, including but not limited to *Design & Construction Guidance* and Yorkshire Water local guidance and any subsequent updates.

As part of a Section 106 agreement the Council are required to ensure the site is managed in a safe and suitable way up until adoption by a regulatory body. This requirement should also apply to drainage on the site, during the build out a management and maintenance plan including responsible management company must be secured. This should be enforced until adopted and continued for the life of the development if adoption fails. Adoption can fail at any step in the development process from concept design to site inspection post construction.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Plans & Elevations – As Proposed	A(10)-01	B	2nd August 2021
Former Garage Site Stocks Walk, Almondbury, HD5 8XB Topographical Survey	4893BM/1	A	7th January 2021
Combined Design & Access/Heritage Statement – Supporting Information	2040	-	20th January 2021
Arboricultural Impact	MA-074.1b	-	4th October 2021

Assessment – Supporting Information			

Amendments were sought to reduce the overall scale, size and massing of the proposed building in the interests of visual amenity. Additional information was also requested by the Council's Tree officer in the form of an Arboricultural Impact Assessment and Arboricultural Method Statement. Surface water discharge calculations and a drainage plan were also requested by the Lead Local Flood Authority (LLFA).