KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2021/44/90679/W
Site Address:	Land off, Gernhill Avenue, Fixby, Huddersfield, HD2 2HR
Description:	Discharge of conditions 5, 6, 7, 9, 10, 11, 13, 18, 19 and 25 of previous permission ref: 2018/92055 for erection of 252 dwellings and formation of vehicular access.
Recommending Officer:	John Ritchie

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 21-Jul-2021

2021/90679 – OFFICER REPORT

This application relates to full planning permission for the erection of 252 dwellings and vehicular access at Gernhill Avenue, Fixby – ref 2018/92055.

This application seeks to discharge the following conditions:

5. No development shall take place until details of the junction and associated works, between the proposed estate road and Gernhill Avenue/ Lightridge Road 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.*

Assessment

The Highways Officer has confirmed that the condition can be discharged.

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.*

Assessment

The applicant states that a formal application for Section 38 Highways approval has been submitted and approval is expected towards the end of March. However, the Highways Officer has confirmed that no part of the development has been given technical approval. In the absence of this approval, condition 6 cannot be discharged.

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.*

Assessment

KC Highways have confirmed that the condition can be discharged.

9. The development shall not commence until a survey of the existing condition of the highway on Gernill Avenue, Lightridge Road and Clough Road has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on the aforementioned roads shall be submitted to and approved in writing by the Local Planning Authority. A schedule of inspection throughout the construction period of the development shall be agreed and implemented prior to works commencing.
***Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment

KC Highways have confirmed that the condition can be discharged.

10. Prior to development commencing, a detailed scheme for the improvement of Gernhill Avenue/Lightridge Road and Lightridge Road/Clough Lane shall be submitted to and approved in writing by the LPA. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work and a programme for the completion of the agreed works.
***Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.*

Assessment

The applicant has stated that an application has been submitted for Highways Section 278 agreement. The Highways Officer has confirmed that no part of the development has been given technical approval. In the absence of this approval, the condition cannot be discharged.
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11. 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.*

Assessment

The KC Highways Officer has confirmed that in the absence of satisfactory information the condition cannot be discharged.

13. Notwithstanding the submitted details, a scheme for the protection of public users of footpath BR1 107 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 interest of pedestrian safety and to accord with Policy LP23 of the Kirklees Local Plan.*

Assessment

The KC Highways Officer has confirmed that in the absence of satisfactory information the condition cannot be discharged.

18. Notwithstanding the details submitted on plan no 429-220, prior to the construction of any dwellings above footings level, a plan detailing the provision of electric charging points shall be submitted for the written approval of the local planning authority. The approved details shall be implemented prior to the occupation of the dwellings they relate to, and thereafter maintained for the lifetime of the development
***Reason:** To accord with Policy LP51 of the Kirklees Local Plan.*

Assessment

The proposed scheme is not satisfactory as the proposed 13A sockets do not meet minimum standards of numbers and output. The applicant has been asked to supply revised proposals but has not responded. In such circumstances the conditions cannot be discharged.

19. 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 thereafter in accordance with the agreed management and maintenance plan.
***Reason:** To accord with the guidance contained in part 14 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change", and Policy LP28 of the Kirklees Local Plan.*

Assessment

The Lead Local Flood Authority does not consider the submitted details to be satisfactory and the condition cannot be discharged.

25. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of any dwellings. The content of the LEMP shall include the following

a. Description and evaluation of features to be managed.
b. Ecological trends and constraints on site that might influence management.
c. Aims and objectives of management.
d. Appropriate management options for achieving aims and objectives.
e. Prescriptions for management actions.
f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g. Details of the body or organization responsible for implementation of the plan.
h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
The approved plan will be implemented in accordance with the approved
***Reason:** To accord with the guidance contained in part 15 of the National Planning Policy Framework" Conserving and enhancing the natural environment", and Policy LP30 of the Kirklees Local Plan.*

Assessment

The initially-submitted details are not acceptable and further details were received. The KC Landscape Officer and KC Biodiversity Officer consider that the details remain unsatisfactory.

Decision Text

Condition 5 (Junction and associated works)

The details agreed in the recently concluded Section 278 agreement with the Local Highway Authority are acceptable for the purposes of condition 5. The condition will be discharged upon the completion of the approved scheme.

Condition 6 (Internal road design)

You are in the process of agreeing a scheme under Section 38 of the Highways Act with the Local Highways Authority. Such agreed scheme will be satisfactory for the purposes of condition 6 but in its absence the condition cannot be discharged at this point. A further application to discharge the condition is required with the accompanying Highways Agreement.

Condition 7 (Waste collection)

The details shown on drawing no 429-001 AE Site Layout are acceptable for the purposes of condition 7. The condition requires the agreed facilities to be provided and retained.

Condition 9 (Highway survey)

You have submitted the following:

- 429 drg no 001 REV Highways Dilapidation Survey Sheet 1 of 2
- 429 drg no 001 REV Highways Dilapidation Survey Sheet 2 of 2
- Gernhill Avenue Highways Dilapidation Survey 15th August 2019 Photos

This is satisfactory for the purposes of condition 9. The condition requires that upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on the aforementioned roads is

submitted to and approved in writing by the Local Planning Authority. The condition cannot be fully discharged pending the submission and approval of such a survey / scheme which is required to be submitted as a separate application to discharge conditions.

Condition 10 (Highway improvements)

The details agreed in the recently concluded Section 278 agreement with the Local Highway Authority are acceptable for the purposes of condition 5. The condition will be discharged upon the completion of the approved scheme.

Condition 11 (Travel plan)

The submitted documents are the same as those received to discharge this condition under application 2019/92634. These were deemed unacceptable in this Authority's letter dated 25th November 2020 and for the reasons given in that letter the condition cannot be discharged. A further application will be required to discharge the application.

Condition 13 (Public footpath protection)

The submitted details are not sufficient to discharge the condition and your attention is drawn to previous comments by the council in a letter dated 25th August 2020 with regard to application 2019/92634. A further application will be required to discharge the application.

Condition 18 (Electric vehicle charging)

Notwithstanding the e-mail from Josh Brear dated 21st May 2021 the submitted details are not acceptable to this Authority and the condition cannot be discharged.

You have submitted the following:

- Car Charging Plan (drawing no 429-CCP1 dated August 2017)
- Proposed Site/Block Layout – 429 Fixby Car Charging plan-AE.

The plan shows the location of the 13 AMP EVCPs at all plots except for plots 46, 50, 60 & 61 presumably because there is no practical position where they can be provided. Officers accept the car charging plan that has been provided, however the proposed 13 Amp sockets do not meet the minimum standard requirements for residential properties. The scheme must at least meet the minimum standard specification for numbers and power output as follows:

- A Standard Electrical Vehicle Charging point is one which is capable of providing a continuous supply of at least 16A (3.5 kW) and up to 32A (7kW). The higher output is more likely to be future proof.
- 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 socket outlet 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.

This Authority requires an Electric Vehicle Charging Scheme to be submitted detailing the make, model and specification of the proposed EVCP's that are to be installed at the development site. In addition you must provide an explanation as to why plots 46, 50, 60 and 61 are not provided with EVCPs. This will need to be by a further application for condition discharge.

Condition 19 (Drainage)

The submitted details are not acceptable to the council. The impermeable areas table dated 28th November 2019 does not correspond with the submitted Causeway Flow simulation Ref 18-012B dated 23rd January 2020 in terms of the area contributing to each individual leg. There are multiple examples of this.

No maintenance and management plan for the attenuation tank and flow control has been submitted.

A plan and cross section drawing of the attenuation tank is required to compare to the dimensions and volume stated on the drainage layout drawing.

This information was requested in my e-mail dated 10th May 2021 with no response and the condition cannot be discharged. This information will need to be submitted by a further application for condition discharge.

Condition 25 (Landscape and Ecological Management Plan)

The submitted details are not acceptable to discharge the condition.

- The Play area and trim trail features highlighted in Figure 1 of the LEMP are not included in the description as features to be managed as identified in para 1.12 of that Plan.

- The shrub planting list includes potentially invasive species which must not be planted in this setting given the proximity of the Green Belt. These are on the Plantlife list of species to avoid (and have the highest rating) See https://www.plantlife.org.uk/application/files/7114/8232/3452/Here_today_here_tomorrow_2010_summary.pdf Any species on the proposed planting list with a rating of 4 or above in that document (see pp 13-18

inclusive) must be substituted with more appropriate less invasive species.

- There is no DDA accessible path to / from the public open space area and seats. The proposed mown path is not compliant as it is only seasonably accessible and the rest of the time can be mud and puddles after inclement weather, and with just nominal wear and use depending on ground conditions.

The condition is not discharged and a separate application is required to discharge the condition.

Report dated 13 July 2021