

**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: 2023/60/92079/E

Site Address: Rear of 23 to 43 Moor Lane, Gomersal, Cleckheaton,
BD19 4LF

Description: Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls.

Recommending Officer: Nina Sayers

DECISION – S106 Outline Permission - Granted

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.

David Wordsworth

AUTHORISED OFFICER

Date: 05-Dec-2023

Decision Authorisation – Committee Decision

Committee: Planning Sub-Committee (Heavy Woollen Area)

Date of Committee: 21st September 2023

Application Number: 2023/92079

Officer Recommendation: Approval

Committee Decision: Delegate Approval

1. Details of appearance, landscaping, layout, and scale (hereinafter called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority no later than 3 years.
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.
1. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
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 LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP32, LP32, LP33, LP35, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
3. The Reserved Matters referred to in Condition 1 shall include a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic), to first be submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of future occupiers in accordance with part 15 of the NPPF and LP24 of the Local Plan.
4. The Reserved Matters referred to in Condition 1 shall include a Biodiversity Enhancement and Management Plan (BEMP), to be submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

5. The Reserved Matters referred to in Condition 1 shall include an Arboricultural Impact Assessment, to first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory layout can be achieved without resulting in long term harm to trees with public amenity value and to accord with LP33 of the Kirklees Local Plan.

6. The Reserved Matters referred to in Condition 1 shall include a scheme detailing the full site and dwellinghouse safety and security measures to be implemented, to first be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of windows overlooking publicly-accessible areas, details of boundary treatments, external lighting, landscaping and the security measures for any garages or sheds. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

7. Notwithstanding the approved plans, the Reserved Matters referred to in Condition 1 shall include a scheme of hard and soft landscape proposals, including a maintenance and management plan, to first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. The Reserved Matters referred to in Condition 1 shall include a Landscape and Ecological Design Strategy (LEDS) to first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. There shall be no commencement of the development hereby approved (other than the works specified under condition 22 of this permission and those required for site investigation report) a Phase II Intrusive Site Investigation Report by a suitably competent person

has first 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. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 10, there shall be no commencement of any further groundworks or development (other than the works specified under condition 22 of this permission) until a Remediation Strategy by a suitably competent person has first 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. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

11. Remediation of the site shall be carried out and completed in strict accordance with the Remediation Strategy approved pursuant to Condition 11.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report by a suitably competent person shall be submitted 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. 183 and 184 of the National Planning Policy Framework.

13. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to

ensure that the site is made safe and stable for the development proposed.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

14. Prior to the first occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall first 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. 183 and 184 of the National Planning Policy Framework.

15. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the Lead Local Flood Authority of 3.5 l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 (+ climate change allowance) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

16. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until an assessment of the effects of 1 in 100 year storm events (+ climate change allowance), blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This

pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

17. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

18. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until full details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

19. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, full details of which will have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

20. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until a Construction Environmental Management Plan (CEMP) has first been submitted to and agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP24 and LP52 of the Local Plan.

21. There shall be no commencement of the development hereby permitted until the wall to the site frontage has first been set back to the rear of the proposed visibility splays, as shown on approved plan ref: 18/412/SKH/001 Revision K (Proposed Access Layout with Tracking Manoeuvres Plan, dated 19/07/2023), and has been cleared of all obstructions to visibility and hard surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

22. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until a scheme detailing the proposed internal estate roads has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety, and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and the National Planning Policy Framework

23. There shall be no commencement of site access and internal highways works (other than the works specified under condition 22 of this permission) until full details of an acoustic barrier (as demonstrated in the approved plan (21942)10_Access Road Elevations) have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier;
- Appearance and materials;
- The minimum height of the barrier relative to the adjacent ground level; and
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The access hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

Reason: In the interest of visual amenity and to safeguard the amenities of future occupiers in accordance with part 15 of the NPPF and LP24 of the Local Plan. This is a pre commencement condition

to ensure that visual and residential amenity matters are fully addressed before works commence.

24. Prior to the first occupation of the development hereby approved, a scheme detailing the dedicated facilities to be provided at each dwelling house for charging electric vehicles and other ultra-low emission vehicles shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework.

25. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units.

Reason: In the interests of amenity and highway safety, and to accord with Policies LP21 and LP43 of the Kirklees Local Plan and the National Planning Policy Framework

26. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: In order to ensure no birds are harmed and to protect nesting birds, in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

27. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of five (5) years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

28. The access hereby permitted shall not be brought into use until details of the bollards demonstrated on the approved plan "18/412/SKH/001 Rev.K", have been submitted to and approved in

writing by the Local Planning Authority. The bollards shall then be constructed in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity and highway safety, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(21942)3_Location Plan	A	19/07/2023
Indicative Site Plan	(21942)1_ Indicative Site Plan	G	19/07/2023
Access Road Elevations	(21942)10_ Access Road Elevations		19/07/2023
Plans as Existing	(21942)2_Plans as Existing	A	19/07/2023
Arboricultural Impact Assessment	220218a AIA		19/07/2023
Climate Change Statement			19/07/2023
Coal Mining Risk Assessment	E22/7944/MD/L001		19/07/2023
Design and Access Statement			19/07/2023
Phase 1 Geo-environmental Report	E22/7944/R001		19/07/2023
Preliminary Ecological Appraisal Report	ER-5754-01B		19/07/2023
Tree Survey	220218		19/07/2023
Planning Supporting Statement			19/07/2023
Proposed Access Layout with Tracking Manoeuvres	18/412/SKH/001	K	19/07/2023
Refuse Vehicle Tracking Manoeuvres and Forward Visibility	18/412/ATR/001	C	19/07/2023
Note on Access Matters	18-412-001.04		19/07/2023
Drainage Statement	E22/7944/MD/L003A		19/07/2023
Drainage Statement Additional Note	E22/7944/MH/L002A		24/08/2023
Area Character and Density Appraisal	21942	A	05/09/2023
Biodiversity Metric			02/08/2023

Plan Type	Reference	Version	Date Received
Biodiversity Net Gain Assessment	ER-5754-02C		02/08/2023

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.

The Lead Local Flood Authority (LLFA) raised concerns regarding the proposed drainage strategy. Amended details were submitted and the LLFA had no further objections to the proposal. Officers queried the density calculations in the submitted Area Character and Density Appraisal. An amended version was submitted by the applicant.

Report Dated:

29/11/2023