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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 05-Dec-2019**

**Subject: Planning Application 2017/92291 Erection of 19 dwellings with associated infrastructure and landscaping Rock Villa Development, Land off Warwick Road, Batley, WF17 6AN**

**APPLICANT**

Farmah Enterprises

**DATE VALID**

31-Jul-2017

**TARGET DATE**

30-Oct-2017

**EXTENSION EXPIRY DATE**

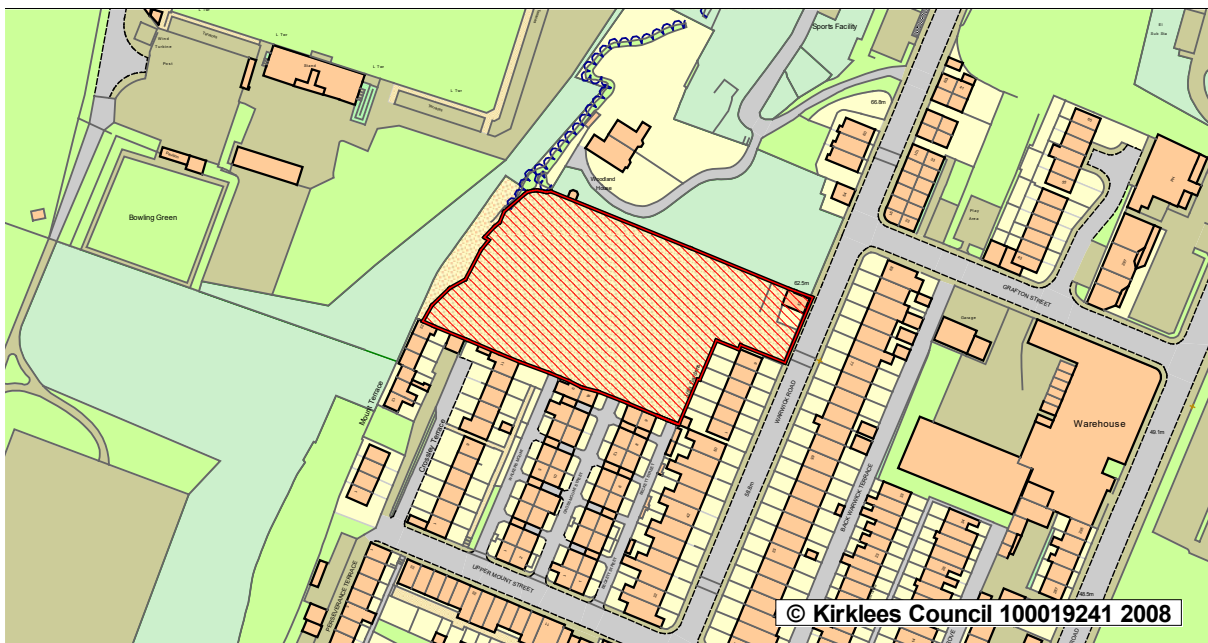
31-Jul-2019

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Batley East** YesWard Members consulted  
(referred to in report)

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**POSITION STATEMENT:**

**For Members to note the content of the report and presentation and to grant officers a further period of time to conclude negotiations on the outstanding highway matters and s106 Agreement.**

**1.0 INTRODUCTION:**

- 1.1 The Council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement would usually be provided prior to an application being formally considered by the Planning Committee. However, in this case the application is brought to the Heavy Woollen Sub-Committee as a Position Statement in relation to progress with regards to highway matters, housing mix and the s106 Agreement.
- 1.2 The Heavy Woollen Sub-Committee resolved to approve the application on 1<sup>st</sup> June 2018. The resolution was:
- "That the application be delegated to officers to impose conditions and approve, and authority be delegated to the Head of Planning and Development to issue the decision notice, subject to the resolution of issues relating to highways matters, including highways safety and site access (The Sub-Committee resolved to approve the application contrary to the Officer's recommendation)."*
- 1.3 Since this resolution, officers have had numerous discussions with the applicant regarding highway matters. In addition, the Council's legal team have recently been instructed to carry out a section 106 agreement to secure the necessary planning obligations for Public Open Space and Affordable Housing, as well as the implementation of a temporary drainage system.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site measures 0.54 hectares (1.34 acres) and comprises a steep sloping parcel of land which is generally overgrown. It slopes up steeply from Warwick Road with levels at Warwick Road being *circa* 61m AOD rising up to 84m AOD at the rear of the site. Warwick Road lies to the west of, and runs parallel to, Bradford Road.

- 2.2 Historical maps show that the top of the site was once occupied by a dwelling (Rock Villa) with the slope of the site comprising gardens associated with the dwelling. This was apparently demolished in the 1960's.
- 2.3 The site is sandwiched between different residential developments which run along the western side of Warwick Road. Beyond the western boundary of the site and over the crest of the slope is Batley Rugby League Club.
- 2.4 To the south of the site is a high density arrangement of dwellings on streets located off Upper Mount Street. On the northern boundary are a number of trees, none of which are protected by a preservation order.

### **3.0 PROPOSAL:**

3.1 The proposal is a full application for the erection of 19 dwellings, comprising a mix of two, three, four and five bedroom units which would be arranged as townhouses with terraced rear gardens.

3.2 The units would comprise:

3 No. Five Bedroom Eight Person Dwelling @ 177m<sup>2</sup>  
2 No. Four Bedroom Six Person Dwelling @ 143m<sup>2</sup>  
10 No. Three Bedroom Six Person Dwelling @ 126m<sup>2</sup>  
4 No. Two Bedroom Three/Four Person Dwelling @ 78m<sup>2</sup>

3.3 Parking Provision:

4 No. Parking Spaces per Five Bedroom Dwelling  
3 No. Parking Spaces per Four Bedroom Dwelling  
2 No. Parking Spaces per Three Bedroom Dwelling  
4 No. Visitor Parking Spaces

3.2 Gardens and areas surrounding the site would be supported by a number of retaining walls to address the significant level differences across the site.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2016/20216 – Pre-application advice given in October 2016 based on 22 dwellings. This set out that the scheme was generally considered acceptable subject to design amendments and subject to an off-site contribution to public open space and 20% affordable housing. In terms of highways impacts, officers set out advice which included the following:

*“...Sightlines of 2.4 x 43 metre sight lines will need to be provided onto Warwick Road. It is noted that the sightlines as shown are over third party land and the provision of the sightlines would therefore be outside of the applicant's control...”*

92/03897 – Erection of residential development (9 dwellings) - The six properties to the left of the proposed junction (opposite side to No 52) were built as part of the application, however, the road and 3 other dwellings were not built.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 After the planning committee, officers engaged with the agent to discuss the revisions to the proposal to address the outstanding highway matters explained in paragraph 1.2 of the report. Amendments to the proposal include a revision to the highway layout and parking provision.
- 5.2 Additionally, plans and supporting information have been submitted by the applicant which now propose a change in the design, housing mix and affordable housing offer. These changes are discussed further within section 8.0 of this report.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

### **6.2 Kirklees Local Plan (2019):**

Relevant policies are:

- LP1** – Presumption in favour of sustainable development
- LP3** – Location of New Development
- LP7** – Efficient and effective use of land and buildings
- LP11** – Housing Mix and Affordable Housing
- LP20** – Sustainable Travel
- LP21** – Highway safety and access
- LP22** – Parking
- LP24** – Design
- LP27** – Flood Risk
- LP28** – Drainage
- LP30** – Biodiversity and Geodiversity
- LP32** – Landscape
- LP35** – Historic Environment
- LP48** – Community facilities and services
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP61** – Urban Green Space
- LP62** – Local Green Space
- LP63** – New Open Space

### **6.3 Supplementary Planning Guidance / Documents:**

- Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highways Design Guide SPD
- Planning Practice Guidance
- National Design Guide

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

## National Planning Guidance:

- 6.4 **Chapter 2** – Achieving sustainable development
- Chapter 5** – Delivering a sufficient supply of homes
- Chapter 8** – Promoting healthy and safe communities
- Chapter 9** – Promoting sustainable transport
- Chapter 11** – Making effective use of land
- Chapter 12** – Achieving well-designed places
- Chapter 15** – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by site notice and neighbour notification letters. A total of 18 letters of objection were received. These were summarised and addressed within the original committee report. No further public consultation has been carried out.

## **8.0 APPRASIAL**

- 8.1 The purpose of this Position Statement is to focus on those matters that were delegated back to officers to resolve. These are highways matters, including highway safety and site access.
- 8.2 The Position Statement also focuses on the changes to the proposal in relation to the proposed housing mix and financial contributions towards affordable housing and public open space to be secured by section 106 agreement.

### Highways

- 8.3 Policy LP21 of the Local Plan aims to encourage modes of sustainable travel and to ensure that new developments achieve a safe and suitable access, without materially adding to existing highway problems or undermining the safety of all users of the network. This policy objective is supported by paragraph 108 of the NPPF, which states that specific applications for development should ensure that:
  - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.4 As detailed in the original committee report, Warwick Road is a classified road which runs generally parallel to Bradford Road (A652) and provides a main thoroughfare for the large urban area which resides to the west of Bradford Road. It runs from Batley Carr to the south to Taylor Street, which lies immediately to the west of Batley, thus providing a peripheral link between the two urban areas. The applicant's original submission included a snapshot of traffic movements in May 2018 over a 7 day period. It showed approximately 1200 daily two way movements. Two way movements generally spike between 1500 and 1700 on weekdays comprising between 120 and 185 movements per hour. The proposed development, given its relatively small scale, is not considered to lead to a significant impact on network capacity.

- 8.5 There are schools along Warwick Road to the north and south and properties facing Warwick Road generally front the road. There is a mosque and Islamic centre to the south. Whilst it is acknowledged that properties adjacent to the site have in-curtilage parking, on-street parking is particularly evident along certain stretches of the road due to a lack of in-curtilage parking associated with the older terraced properties and at times associated with the school peak. Objectors have referred to parking issues being prevalent in the area. In addition, the street appears to be well used by local people to move between local shops, the school and the mosque and Islamic centre. Warwick Road includes a series of speed reduction features (speed bumps) which suggests that excessive vehicle speed and road safety has been a concern.
- 8.6 The proposed development involves a simple priority junction onto Warwick Road which would be positioned in between no.52 Warwick Road on the northern side, and a row of terraced properties slightly set back from Warwick Road on the southern side known as 'Villa Gardens'. No52 Warwick Road faces the proposed access and the gable end of the property faces Warwick Road. Along the frontage is a stone wall with a prominent stone column feature on the corner abutting the existing footway.
- 8.7 The original committee report explained that the proposed visibility splay (i.e. 2.4m set back and 13m in distance) to the north from the proposed junction along Warwick Road would not accord with the visibility splays set out in Manual for Streets (i.e. 2.4m set back and 43m in distance). This was due to the proximity of the wall and pillar on the corner of the proposed access associated with no.52. In order to address the deficiency in terms of an achievable visibility, the applicant carried out several speed surveys. However, Highways DM Officers considered that these readings were incorrectly carried out as the speed readings did not take the extents of the proposed visibility splays to enable a definitive recommendation to be given.
- 8.8 A planning update was provided at committee, which included the applicant's response to the original committee report, an additional speed survey report and a revised layout plan. The revised layout plan adjusted the site access in response to the speed surveys in order to achieve 2.4m x 23m in both directions from the proposed junction with Warwick Road.
- 8.9 The original committee report also raised issues with the proposed internal highway design, particularly with respect to levels and gradients. The planning update also explained how Highways DM officers requested additional information to be provided by the applicant, including:
- 11.85 refuse vehicle swept path analysis at the proposed junction with Warwick Road;
  - Longitudinal sections of the proposed internal layout;
  - An independent Stage 1 Road Safety Audit carried out of the proposed junction plateau at the site access with Warwick Road.

8.10 The planning update explained that the information supplied by the applicant may allow a suitable junction to be designed but this was dependent on the submission of additional detail as stated with the officer response above. As such, the officer recommended that the application be deferred to allow the applicant to submit further information in order to address outstanding highway safety concerns. As detailed in paragraph 1.2 of the report members have delegated the application to officers to impose conditions and approve.

8.11 After the committee, officers have held a meeting and have had numerous email correspondence with the applicant team to try and address the above matters and the following has been agreed:

1. Highways DM officers requested speed readings to be taken at the extents of the proposed visibility splays to enable a definitive recommendation to be given.

The applicant referred to planning application reference 2017/92772, where officers had recommended approval for the erection of 6 town houses at land adjacent to Woodland House, 2 Warwick Road, Batley, WF17 6AP. Highways DM officers confirm that application reference 2017/92772 included speed readings with an 85%ile speed reading of 19mph southbound. The recommended sight line for a 19mph speed is 23m. The visibility from the driveways in respect of application reference 2017/92772 would be 2.4m x 27m in both directions. The proposed development achieves 2.4m x 23m in a northerly direction. However, a plateau is proposed to ensure a reduction in vehicle speeds. Therefore, given the circumstances it is considered that the proposed development potentially achieves a safe access, subject to a condition requiring further details, concerning the plateau and details below.

2. Highways DM officers requested that a swept path analysis was provided, using an 11.85m refuse vehicle at the proposed junction with Warwick Road.

The applicant has provided plan reference WR-100-002 P2, which addresses this matter.

3. Highways DM officers have requested that longitudinal sections of the proposed internal layout are provided.

The applicant has provided site plans, including plan reference WR-100-001 P02 showing the levels and gradients of the proposed internal highway. The plans show an 8.9% (1 in 11) maximum gradient to the inside of the proposed highway bends. These gradients are considered to be acceptable. Longitudinal sections can be conditioned to be provided as part of the detailed design.

4. Highways DM officers have requested that an independent Stage 1 Road Safety Audit carried out of the proposed junction plateau at the site access with Warwick Road

Highways DM officers accept that this information can be secured by planning condition.

5. The site plans only show a single width driveway to the frontage of plot 7 which has a double garage. The proposed driveway should therefore be increased in width.

The applicant has subsequently revised the plans to show a double width driveway to the front of plot 7.

- 8.12 Draft conditions, which have been agreed with the applicant's agent are included in section 10.0 of this report.
- 8.13 It is considered that with the above conditions, the proposal would accord with Policy LP21 of the KLP and paragraph 108 of the NPPF, in seeking a safe and suitable access arrangement with Warwick Road and internal road layout.

**Do Members have any comments in relation to the draft planning conditions agreed with the applicant's agent, in relation to the above matters on highway safety and access?**

Design, Housing Mix and Affordable Housing

- 8.14 During the course of negotiations the applicant has submitted revised plans and information, primarily to address the outstanding highway matters. However, as demonstrated in the following table the latest plans and supporting information now show a slightly different housing mix and affordable housing offer.

House Type	Original Plan (no. of dwellings)	Latest Plan (no. of dwellings)
Type 1 Dwelling: 4 Bedroom (6 Person)	1	1
Type 2 Dwelling: 5 Bedroom (8 Person)	2	2
Type 3 Dwelling: 4 Bedroom (6 Person)	2	1
Type 4 Dwelling: 5 Bedroom (8 Person)	1	1
Type 5 Dwelling: 3 bedroom (6 Person)	9	10
Type 6 Dwelling: 2 Bedroom (3/4 Person) – Affordable housing	4	4

- 8.15 No justification has provided within the supporting information about the proposed revisions to the planning application.
- 8.16 In terms of design, the introduction of one more dwelling that is 'house type 5' means a greater number of long, narrow plots with dormer windows, creating a built form with more vertical emphasis in the proposed street scene. This house type has already been considered acceptable and the proposed internal streets would still be defined by town houses. When assessing street scene plans, officers do not consider that such proposals would have any adverse impact on the visual character of the street scene. Also, given the separation distances between the dwellings it is considered that there would be no adverse impact on the proposed and existing residential amenity.
- 8.17 The proposal would deliver a greater number of 3 bedroom dwellings, but as shown in table 7.1 of the Kirklees Council's Strategic Housing Market, there is the greatest need in the Kirklees district for this type of dwelling unit. Furthermore, the proposal would also provide some 4 and 5 bedroom dwellings. As such, officers still consider that such a proposal would contribute positively to the Batley and Spenningsdale sub area's housing mix.



- 8.18 With respect to affordable housing, the applicant had originally proposed to include four (21%) affordable dwellings in the development, which were plots 3, 4, 13 and 14 and were all two bedroom dwellings. At the time, officers (and members) welcomed the proposed affordable housing contribution and recommended that the units were split between two affordable rent and two intermediate units. The original proposal would fully accord with Policy LP11 of the KLP in ensuring that 20% of the total units would be affordable housing and would be provided on site. However, no section 106 agreement has ever been drafted or secured.
- 8.19 Since planning committee, the applicant had submitted a revised layout showing no affordable housing, this was apparently due to financial constraints related to topography. However, no viability appraisal or suitable justification was ever provided to demonstrate this issue. As such, further negotiations have taken place with the applicant and the latest proposals revert back to the provision of four (21%) affordable dwellings being provided on site. These are plots 3, 4, 13 and 14 and are all two bedroom dwellings. The type and mix of affordable housing shall be secured by section 106 agreement and draft Heads of Terms have been provided to the Council's Legal officers.
- 8.20 At the time of writing this report, Strategic Housing have been re-consulted and their comments will be provided within the planning update. However, it is considered that the proposal now accords with Policy LP11 of the Local Plan and Chapter 5 of the NPPF.

**Do Members agree with officers that the proposed amended design, housing mix and affordable housing contribution is still acceptable and accords with the original committee resolution?**

#### Public Obligations

- 8.21 In accordance with paragraph 56 of the NPPF planning obligations should only be sought where they meet the following three tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

#### *Public Open Space*

- 8.22 The original committee report for 19 dwellings sought a contribution of £50,600 is required. In addition, an off-site contribution towards an existing LAP/play area on Grafton Street would be required. In total a contribution of £94,701 would be required. This financial contribution would still be required and would ensure that the proposed development was in accordance with Policy LP63 of the Local Plan. This is to be secured as part of the S106 Agreement.

### *Affordable Housing*

- 8.23 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. The applicant has offered four affordable units on-site which is fully policy compliant. The Council would wish to see two affordable rent and two intermediate units. As set out above, this shall be secured as part of the S106 Agreement.

### *Drainage*

- 8.24 In line with Policies LP27 and LP28 of the KLP, the Council would also seek a long term maintenance and management of the drainage proposals. This would be secured through a management company before which the Statutory Undertaker can adopt the system and in the event adoption of such system is not undertaken.
- 8.25 At the time of writing the report the applicant had not completed a draft S106 Agreement.

### **Do Members have any questions in relation to the proposed planning obligations?**

## **9.0 CONCLUSION**

- 9.1 Members are asked to note the contents of this report. Members' comments in response to the question listed above (and summarised below) would help and inform any further ongoing negotiations with the applicant.
- **Do Members have any comments in relation to the draft planning conditions agreed with the applicant's agent, in relation to the above matters on highway safety and access?**
  - **Do Members agree with officers that the proposed amended design, housing mix and affordable housing provision is still acceptable?**
  - **Do Members have any questions in relation to the proposed planning obligations?**
- 9.2 A formal extension of time to the application's determination period has been agreed with the agent to Friday 6<sup>th</sup> December 2019.
- 9.3 Dependant on the outcomes of the committee, officers shall seek a further period of time to conclude the S106 negotiations should this be required.

## **10.0 DRAFT PLANNING CONDITONS 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 51 of 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 the National Planning Policy Framework.

3. Prior to any superstructure works details of the materials to be used in the construction of the external surfaces of the development, including all external fixtures, fittings, facing brickwork, and window frames as well as bin storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

**Reason:** In the interests of the visual amenity and character of the surrounding area and to accord with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

4. No building shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, formulated in conjunction with conditions 11 and 19. The scheme shall include indications of all existing trees and plants on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

**Reason:** In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP32 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

5. Development 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 and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre-commencement condition to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, development 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre-commencement condition to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, development 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre-commencement condition to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

8. 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 works on site (save 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised 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 the remediation measures for the whole site have been completed 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.

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

10. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works on site 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 whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Notwithstanding the submitted plans and information, details of all boundary treatments within and on the edge of the site shall be submitted and approved in writing by the Local Planning Authority before any dwelling is first occupied. The development shall then be completed in accordance with the approved details before the dwelling to which the boundary treatment relates is first occupied and thereafter retained.

**Reason:** To ensure that visual amenity, residential amenity and crime prevention are safeguarded in accordance with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

12. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, 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. 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 retained throughout the lifetime of the development.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition to identify any flood risk and/or drainage impacts and the mitigation required which need to be approved and implemented at an appropriate stage.

13. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

**Reason:** To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well-being and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre-commencement condition as flood risk and siltation can increase as a result of early site works and mitigation measures need to be approved and implemented at an appropriate stage.

14. 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 audits 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:** To ensure that suitable access is available for the development and in the interests of highway safety in accordance with Policies LP21 and LP24 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document as well as the National Planning Policy Framework. This is a pre-commencement condition as any internal roads intended to be adopted will need to be designed at an appropriate stage of the development process.

15. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a raised plateau at the junction of the proposed estate road and Warwick Road, construction specification, surfacing, drainage, kerbing, Transport Regulation Orders and associated highway works together with an independent safety audits covering all aspects of work has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

**Reason:** To ensure that suitable access is available for the development and in the interests of highway safety in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the necessary works to Warwick Road are designed and implemented at an appropriate stage to address any potential highway safety matters associated with the proposal.

16. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls adjacent to proposed adoptable highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

**Reason:** To ensure that suitable road layout and access can be achieved in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the appropriate structures are designed and implemented at an appropriate stage to establish a safe and accessible highway layout.

17. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation culverts/ tanks located within the proposed highway footprint shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

**Reason:** To ensure that suitable road layout and access can be achieved in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the appropriate structures are designed and implemented at an appropriate stage to establish a safe and accessible highway layout.

18. Prior to the development being 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 13<sup>th</sup> May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

19. Prior to occupation of the development hereby approved, secure, covered and conveniently-located cycle parking (for use by staff of and visitors to the development hereby approved) shall be provided and shall be retained thereafter.

**Reason:** In the interests of encouraging the use of sustainable transport modes, and to accord with Policies LP21 and LP22 of the Kirklees Local Plan as well as the Highways Design Guidance Supplementary Planning Document.

20. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following:

- (i) a timetable of all works, including hours for site preparation, delivery of materials and construction;
- (ii) details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements and, signage;
- (iii) pre-development road condition surveys of Warwick Road;
- (iv) the parking of vehicles of site operatives and visitors;
- (v) loading and unloading of plant and materials;
- (vi) storage of plant and materials used in constructing the development;
- (vii) the erection and maintenance of security hoarding;
- (viii) wheel washing facilities;
- (ix) measures to control the emission of dust and dirt during construction;
- (x) a scheme for managing and the recycling/disposing of waste resulting from construction works.
- (xi) location of any portable cabin structures.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

**Reason:** In the interests of the amenity of the locality and in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition as construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class A of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** To protect the visual amenity of the area and to satisfactorily protect the residential amenity of nearby occupiers, in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

22. Prior to occupation of the development hereby approved details of storage and access for collection of wastes from the development shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be implemented before first occupation and shall be so retained thereafter.

**Reason:** In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the Highways Design Guidance Supplementary Planning Document.

23. No superstructure works shall take place until a scheme of details of finished floor levels of each dwelling, and details of levels of their curtilages and adjacent estate road, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. These shall be so retained for the lifetime of the development.

**Reason:** To ensure the development is in character with its surroundings, in the interests of neighbour amenity, and in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

24. No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation, compensation, enhancement and restoration has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance.
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In the interests of assessing the biodiversity impact of the site and achieving a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the necessary ecological work addressing mitigation, compensation, enhancement and restoration are carried out at an appropriate stage of the development process.



**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) 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.

**NOTE:** 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.

**NOTE:** All new storm water attenuation tanks/pipes/culverts with internal diameter/spans exceeding 0.9m must be located off the adoptable highway where possible. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding undertaking to the Highway Authority explicitly stating that they have a full understanding of their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with the Well-managed Highway Infrastructure – A Code of Practice 2016 or any corresponding superseding document thereafter.

**NOTE:** All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those.

**NOTE:** A 13A EV charge point does not comply with current government guidance (published 03 November 2016), which is the "Minimum technical specification - Electric Vehicle Home charge Scheme (EVHS)" from the Office for Low Emission Vehicles (OLEV). This document gives minimum specifications for various charging speeds. A minimum of 16A continuous current demand as listed in the OLEV document is required.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours, Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

**Background Papers:**

**Web site link providing details of the planning application, including submitted drawings, information and previous committee report (and update), along with the previous committee resolution:**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92291>

Certificate of Ownership –Certificate A signed and dated 22/06/2017