Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/90356/W

To: Andy Rushby,
Assent Planning Consultancy Ltd
Unit 12a, Railway Sawmills
Burbeary Road
Lockwood
Huddersfield
HD1 3UN

For: A Howarth, H3 Property Consultants Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

ERECTION OF 7 DWELLINGS

At: LAND OFF, STATION ROAD, MELTHAM, HOLMFIRTH, HD9 4NL

In accordance with the plan(s) and applications submitted to the Council on 05-Feb-2019, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The dwellings shall be faced in natural stone and slate. Samples of the facing and roofing materials for the development shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. The dwellings shall be faced in the approved materials and thereafter retained as such.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. A site remediation strategy specific to the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in the Phase II Intrusive Site Investigation Report is identified or encountered on site, 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. 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 remove unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage.

6. 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 address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

7. Development shall not commence until a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water on this development/site has been submitted to and approved in writing by the Local
Planning Authority. The scheme shall include percolation tests in accordance with
BRE Digest 365 along with calculations demonstrating that the designed soakaways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours.
No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the drainage system shall be thereafter be retained.

In the event that soakaways are found to be unsuitable as a means of surface water disposal, details of a revised surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. No part of the development shall be brought into use until the revised drainage scheme so approved has been provided on the site and shall thereafter be retained.
Reason: To ensure that the site can be suitably drained in a sustainable manner and to accord with LP28 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that an appropriate method of surface water drainage is incorporated into the overall design for the scheme at an appropriate time.

8. An electric vehicle recharging point shall be provided within the garage or on the exterior wall of each dwelling. The recharging points shall be provided before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle recharging points shall be retained thereafter.
Reason: To promote ultra-low carbon forms of transport and to mitigate the impact of the development on air quality and to accord with LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

9. Details of one visitor parking space adjacent to the approved turning head and located within the land edged in blue on the location plan shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The visitor parking space shall be provided before the 4th dwelling is occupied and shall thereafter be retained.
Reason: To provide adequate parking provision in the interests of highway safety and to accord with LP21 and LP22 of the Kirklees Local Plan.

10. Bin storage and presentation points shall be provided in accordance with the details shown on the approved plans. The bin storage and presentation points shall be provided before the dwelling to which they relate is first occupied and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety and to accord with LP21 and LP24 of the Kirklees Local Plan.

11. The turning head as shown on the approved site plan shall be provided before any dwelling is first occupied. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 and LP24 of the Kirklees Local Plan.

12. A construction management plan for the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The management plan 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' and delivery parking facilities, measures to demonstrate how the highway will be kept clear of mud/debris, a scheme to ensure that access is maintained to the existing residential properties on Station Road throughout the construction period and measures to protect users of the adjacent public right of way. All construction arrangements shall be carried out in accordance with the approved construction management plan throughout the period of construction.
Reason: In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan. This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process.

13. 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 before the dwelling to which they relate is first occupied. The parking spaces shall thereafter be retained as such.
Reason: In the interests of highway safety and to mitigate flood risk and to accord with LP21 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

14. Notwithstanding the submitted information, a detailed scheme for the proposed improvement works to Station Road, including surfacing, drainage, street lighting and the provision of the footway, shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 3rd dwelling commence. Surfacing of the carriageway shall be done using the existing and reclaimed/new stone setts. The works to Station Road shall be provided in full before the 6th dwelling is occupied and shall thereafter be retained as such.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 and LP24 of the Kirklees Local Plan.

15. A “lighting design strategy for biodiversity” for the access route shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The strategy shall:

a. identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be retained thereafter in accordance with the strategy.
Reason: To mitigate the impacts of the development on the local bat population and otter population and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the avoidance of construction related impacts to the Kirklees Wildlife Habitat Network has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
a. purpose and objectives for the proposed works;
b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c. extent and location of proposed works shown on appropriate scale maps and plans;
d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e. persons responsible for implementing the works;
f. initial aftercare and long-term maintenance (where relevant);
g. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details.
Reason: To mitigate the impacts of the construction of the development on land designated as Kirklees Wildlife Habitat Network and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process.

17. An ecological design strategy (EDS) addressing ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 2nd dwelling commence. 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 as such thereafter.
Reason: To provide ecological mitigation and enhancement in accordance with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

18. The boundary walls to the site frontage shall be constructed of natural stone. The boundary walls shall be either drystone walling or mortared stonework that matches that used in the construction of the dwellinghouses.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

NOTE:
Public Footpath No MEL/23/60, which crosses the access road, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without the prior written consent of the Local Planning Authority.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1565-100	-	5/2/19
Site Plan & Sections A-D & I	1565-101	Rev C	9/7/19
Site Sections E-H & Garage Type	1565-101	Rev B	5/2/19
Proposed Plans & Elevations (House Types A, B & C)	1565-103	Rev A	5/2/19
Site Section (Street Scene)	1556-104	Rev A	5/2/19
Planning Statement	Assent Planning January 2019	-	5/2/19
Highways Statement	Paragon Highways Project 802(G)	Rev 1 Jan 2019	5/2/19
Contaminated Land Report	Arc Environmental 15-154.01L 13/8/15	-	5/2/19
Ecological Impact Assessment	Bagshaw Ecology BE-889.1a	-	5/2/19
Flood Risk Assessment	BDN R2708 22/7/14	-	5/2/19
Flood Risk Letter	ARP 1887/01/L1a/SAB 15/11/18	-	5/2/19
Indicative Soakaway Plan	1887/01/SK01	-	5/2/19

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. Negotiations were undertaken in relation to the proposed roofing material, the improvement works to Station Road (surfacing and widening) and parking provision. This enabled the application to be supported. Pre-commencement conditions have been shared with the agent in writing.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 06-Sep-2019

Signed:

Karl Battersby
Strategic Director Economy and Infrastructure

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2019/62/90356/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR
