

**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: 2020/62/94055/E

Site Address: Land opposite, 4, Coalpit Lane, Upper Denby,
Huddersfield, HD8 8UF

Description: Erection of 7 dwellings and associated access works

Recommending Officer: Liz Chippendale

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation contained in the 14 October 2021 Heavy Woollen Planning Committee agenda and the Committee Decision Authorisation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 15 October 2021

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Planning Committee

Date of Committee: 14.10.2021

Application Number: 2020/94055

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

Committee Decision: As per the officer recommendation set out above.

Conditions 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 91 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 LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwellings hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

4. Prior to first occupation of the dwelling an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

5. Notwithstanding the submitted plans and information, full details of all boundary treatments, including their height and material, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any dwelling hereby approved. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

6. No development shall take place until a scheme detailing the proposed internal 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, surface finishes. 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 to accord with the aims of Policy LP21 of the Kirklees Local Plan and the Highways Design Guide Supplementary Planning Document.

7. The buildings shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with the aims of Policy LP21 of the Kirklees Local Plan and the Highways Design Guide Supplementary Planning Document.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. 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

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 from a coal mining features, hazards and land contamination in accordance Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

9. Before construction work commences a report specifying the measures to be taken to protect the development from noise from the nearby recreation ground/playground shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:-

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained

Reason: So as not to detract from the amenities of future residents by reason of the impact of noise and to accord with Policy LP24 of the Kirklees Local Plan as well as Chapter 15 of the National Planning Policy Framework.

10. 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 from a coal mining features, hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features, hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 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 from a coal mining features, hazards and land contamination in accordance Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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 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 from a coal mining features, hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework

14. 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 ensure that unacceptable risks to human health and the environment from a coal mining features and hazards and land contamination have been appropriately remediated in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

15. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the West elevation of the plots 2, 3, 5 and 7 and the East elevation of plot 6 of the dwellings hereby approved.

Reason: So as not to detract from the amenities of future occupiers and neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Plan and key principles of the Housebuilders Design Guide Supplementary Planning Document.

16. Before development commences, details of bin storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice

when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Public footpath (DEN/67) crosses the access to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	4081-01C	-	21.01.2021
Topographical Survey	4081-03	-	21.01.2021
Supporting Statement November 2019	-	-	21.01.2021
Non-residential mining report 7 th February 2017	51001367266001	-	21.01.2021
Coal Risk Assessment by RGS Ltd January 2021	C1357/21/E/2135	-	21.01.2021
Proposed site plan	4081/05	C	30.07.2021
House type drawing	4081/04	D	10.09.2021
Paragon Highways Road Safety Audit Stage 1 May 2021	1953	-	09.07.2021

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. Prior to the submission of this planning application, the applicant sought formal pre-application advice. During the course of the application, the case officer undertook negotiations with the applicant to secure amended plans for the design of the dwellings and additional information in the form of a road safety.

Report Dated: 15.10.2021