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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/70/90336/W

To: Joe Heatherington,
HDS
Office 12, Dale Street Mills
Royd Street
Milnsbridge
Huddersfield
HD3 4QY

For: H3 Homes (Meltham) 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:-

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2015/92638 FOR ERECTION OF 2 PAIRS OF SEMI-DETACHED DWELLINGS (4 DWELLINGS)

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

In accordance with the plan(s) and applications submitted to the Council on 24-Feb-2021 [together with those plans and application(s) submitted to the Council on 26-Aug-2015 and incorporated into planning permission ref no. 2015/62/92638/W granted on 02-Mar-2016] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications schedule except as may be required by other conditions 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 Policy LP24 of the Kirklees Local Plan.

2. The external walls of the dwellings hereby approved shall be constructed from regular coursed natural stone, with blue slate roof tiles as approved as part of discharge of conditions application 2016/92857. Once installed they shall be retained thereafter.
Reason: In the interest of visual amenity and to comply with Kirklees Local Plan Policy LP24 as well as Chapter 12 of the National Planning Policy Framework.

3. Before the hereby approved development is first brought into use the highway works approved by discharge of condition application 2016/92857, decision letter dated 17 February 2017 shall be completed in full accordance with the approved details and retained thereafter.
Reason: In the interests of highway safety and visual amenity and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification) no buildings or extensions included within Classes A, B, C and E of Part 1, Schedule 2 to that Order shall be carried out within the application site boundary without the prior written consent of the Local Planning Authority.
Reason: So as to prevent overdevelopment of the site and in the interests of residential amenity and to accord with Kirklees Local Plan Policy LP24 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

5.The development shall not be brought into use until the areas to be used for turning and external parking as indicated on the approved site plan have been laid out with a hardened and drained surface. The surfacing shall be 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 any successor guidance. 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 with or without modification) these areas shall be so retained, free of obstructions and available for the parking and turning of vehicles.
Reason: To ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk and to accord with Policy LP21 of the Kirklees Local Plan.

6. Notwithstanding the submitted plans, details of all retaining walls for the development, showing their location, height and facing materials, shall be submitted to and approved in writing by the Local Planning Authority before works commences on the erection of said retaining walls. The retaining walls shall be erected in accordance of the approved details and thereafter retained.
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.

7. The hereby approved dwellings shall not be brought into use until the surface water drainage scheme approved by discharge of conditions application 2016/92857, decision letter dated 3 November 2016 has been installed in accordance with the approved details and retained thereafter.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

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 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.

9. One electric vehicle recharging point shall be installed within the dedicated parking area or integral garage for each of the approved dwellings 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 charging points so installed shall thereafter be retained.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

10. A total of 4 bat boxes, in the form of a Schwegler type 1FR/2FR or similar, shall be installed on the exterior of the development hereby approved. The boxes shall be located on an elevation with an easterly, westerly or southerly aspect, at least 4 metres above ground level and not directly above any doors or windows. The bat boxes shall be provided before the 4th dwelling is occupied and therefore retained.
Reason: To enhance the biodiversity of the site in accordance with Kirklees Local Plan Policy LP30 and guidance contained within the National Planning Policy Framework.

11. A total of two woodcrete sparrow terrace nest boxes and two nest boxes suitable for swifts shall be installed on the exterior of the development hereby approved. The boxes shall be located on the north facing elevation of the buildings at least 3m above ground level and not directly above any doors or windows. The boxes shall be provided before the 4th dwelling is occupied and thereafter retained.
Reason: To enhance the biodiversity of the site in accordance with Kirklees Local Plan Policy LP30 and guidance within the National Planning Policy Framework.

12. A woodcrete nest box suitable for starlings shall be mounted on two of the mature protected trees that are contiguous to the southern boundary of the application site and indicated on the proposed overall site plan (2901(0-)15 Rev B). The boxes shall be mounted at least 4m above ground level and above a clear stem. The boxes shall be provided before the 4th dwelling is occupied and thereafter retained.
Reason: To enhance the biodiversity of the site in accordance with Kirklees Local Plan Policy LP30 and guidance contained within the National Planning Policy Framework.

13. All new street lighting shall be designed so as to minimise light spill outside of the application site boundary. Details of the design measures to minimise light spill shall be submitted to and approved in writing by the Local Planning Authority before the street lighting is installed. The lighting shall be installed in accordance with the approved details before the dwellings are occupied and thereafter retained.
Reason: To preserve the ecological functionality of habitat networks adjacent to the site and to ensure the protection of wildlife and the habitat which supports it and to accord with Policy LP30 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

14. Notwithstanding the submitted details, a landscaping scheme for the site based upon native species shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved is first occupied. The approved landscaping scheme shall be implemented in full no later than the first available planting season after the first occupation of the third dwelling and, from its completion, shall be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure the provision of a well laid out planting scheme in the interests of visual amenity and biodiversity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

15. A scheme detailing the proposed boundary treatment for the part of the application site which is currently used as grazing land shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied. The works comprising the approved scheme shall be completed prior to the dwellings first being occupied and shall be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

16. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification), no boundary walls or fences shall be erected that would impede or obstruct the free movement of hedgehogs.
Reason: To mitigate the impact of the development on the local hedgehog population and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

17. The development shall be completed in accordance with the advice and directions (recommendations) contained within the Arboricultural Method Statement, approved as part of discharge of conditions application 2016/92857, decision letter dated 28 October 2016, Arboricultural Method Statement reference 160816 MS dated 22nd August 2016. These shall be implemented and maintained throughout the construction phase.
Reason: So as to protect the viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Details of any works to any trees which abut and/or overhang the access to the site which are necessary to construct the development shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out and shall be carried out to British Standard 3998. All works to the protected trees shall be carried out in accordance with the approved details.
Reason: So as to protect the viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 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.

NOTE: Link to Communities and Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864): https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance

NOTE: Public footpath Meltham 23 is 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 at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Ground Floor	HD.20.70.PP.01	-	10th February 2021
First Floor	HD.20.70.PP.02	-	10th February 2021
Proposed Second Floor	HD.20.70.PP.03	-	10th February 2021
Elevations	HD.20.70.PP.04	-	10th February 2021
Site	HD.20.70.PP.05	-	10th February 2021
Indicative 3D Exterior Images	HD.20.70.PP.06	-	10th February 2021
Approved & Proposed DIM Comparison	HD.20.70.PP.07	-	10th February 2021
(Previously Approved) – Proposed Site Plan & Elevations	2901(0-)12	B	10th February 2021
(Previously Approved) Proposed Site Section 3-3	2901(0-)56	-	10th February 2021
Plans and information approved under discharge of conditions application 2016/92857			
Retaining Wall Details	2901(SK)01	-	25th August 2016
Retaining Wall Details – P2	2901(SK)02	-	31st October 2016
Highways Details	802E 101	-	25th August 2016
Highways Details	802E 102	-	25th August 2016
Long Sections	802E 103	-	25th August 2016
Proposed Drainage Strategy – Sheet 3	16-1077-01	-	25th August 2016
Proposed Drainage Strategy – Sheet 4	16-1077-02	-	25th August 2016
Phase 2: Ground Investigation Report	16-273	-	25th August 2016
Soakaway Tests – Supporting Information	15-154 01 L	-	26th August 2016
Arboricultural Method Statement – Supporting Information	160816 MS	-	25th August 2016
Stage 1/2 Road Safety Audit – Supporting Information	RSA802(E)	-	26th August 2016

Plan Type	Reference	Version	Date Received
Plans approved under application 2015/92638			
Existing Site Plan	2901(0-1)10	-	19th August 2015
Existing Site Sections	2901(0-)11	-	19th August 2015
Proposed Overall Site Plan	2901(0-)15	B	17th February 2016
Topographical Survey	2901(TP)01	-	19th August 2015
Site Location Plan	2901(LP)02	-	19th August 2015
Highway Layout Plan	802/101	-	17th February 2016
Ecological Survey – Supporting Information	-	-	26th August 2015
Planning Statement – Supporting Information	-	-	19th August 2015
Supporting Highway Statement – Supporting Information	-	-	19th August 2015

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought in this instance as the proposals were considered to be acceptable upon submission.

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 Telephone: (01484) 221550 for more information.

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from 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: 23-Apr-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 and view existing planning applications and decisions' and by searching for application number 2021/70/90336/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