



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91795/W

To: Paul Briggs,
Northern Design Partnership
The Chapel
Mill Moor Road
Meltham
Holmfirth
HD9 5JU

For: Creative Developments (Huddersfield) 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 WITH FORMATION OF ASSOCIATED ACCESS
AND PARKING

At: MANASHAY COTTAGE, UPPER BROW ROAD, PADDOCK, HUDDERSFIELD,
HD1 4UP

**In accordance with the plan(s) and applications submitted to the Council on
29-Apr-2021, 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.

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 Policy LP24 of the Kirklees Local Plan.

3. Samples of all facing and roofing materials shall be submitted to, or left on site for the inspection and approval in writing by, the Local Planning Authority, before work on the superstructure of any new dwelling commences. The development shall be implemented using the approved materials and finishes.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

4. Before any of the new dwellings are first brought into use, all areas to be used for the parking and turning of vehicles, including refuse collection vehicles, as shown on the approved site plan shall be laid out with a hardened and drained surface, which shall be in accordance with the Communities & 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 before the dwelling is first occupied, unless arrangements have been made for run-off water to drain to a soakaway, sustainable drainage system or attenuation storage facility within the curtilage. Thereafter these areas shall be retained free of any obstruction.

Reason: To ensure a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of Policies LP21, LP22 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Before any of the new dwellings on Plots 4-7 are occupied, the sightlines at the junction of the shared access with Upper Brow Road as shown on the approved site plan shall be cleared of all obstructions to visibility exceeding 1m in height above the adjoining carriageway and thereafter maintained as such, and Plots 1-3 shall have sightlines of 2.4m x site frontage cleared of all obstructions to visibility exceeding 1m in height above the adjoining carriageway. The sightlines shall thereafter be retained as such.

Reason: To ensure adequate inter-visibility in the interests of highway and pedestrian safety and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

6. Notwithstanding the submitted Geo-Environmental Report reference J3220/15/E, groundworks 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy since the submitted report is considered insufficiently robust on account of its age, scope and level of detail. This information is required pre-commencement so as to ensure that pollution can be properly investigated and appropriate remedial measures incorporated into the construction at an early stage.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (6), groundworks (other than those required for a site investigation report) 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that pollution can be properly investigated and appropriate remedial measures incorporated into the construction at an early stage.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (7), further groundworks 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that appropriate remedial measures incorporated into the construction at an early stage.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (8). 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 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person 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 have been completed for (that part of) the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

11. Finished ground floor level in the approved dwellings shall be no higher than that shown on the approved site plan.

Reason: For the avoidance of doubt, and to ensure that the development respects the visual character of the area and does not detract from the amenities of existing or future residents, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan.

12. Notwithstanding the details contained within the submitted Geotechnical Report, development on the lower part of the site (Plots 4-7 and associated areas to be used by

vehicles) shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology.

Reason: To ensure that the development does not contribute to land instability endangering public safety, in particular of Network Rail land, and to accord with the aims of paragraphs 174 and 183 of the National Planning Policy Framework. This information is required pre-commencement to ensure that groundworks can be undertaken safely since the submitted Geotechnical Report has not attempted a detailed investigation of the condition of these structures or considered the implications of the development for their future stability.

13. Notwithstanding the details contained within the submitted Geotechnical Report, before development commences on Plots 4-7 or any associated areas to be used by vehicles, a report shall be submitted signed off by a competent person demonstrating that the works shown on the plan can be undertaken without endangering the stability of the retaining wall at the north-eastern boundary of the site or the land that it supports. If any additional works are required specific details of such works shall be provided within the said report, including plans, cross sectional information and structural calculations. Development shall proceed only in full accordance with the recommendations in the approved report.

Reason: To ensure that the development does not contribute to land instability endangering public safety and to accord with the aims of paragraphs 174 and 183 of the National Planning Policy Framework. This information is required pre-commencement to ensure that groundworks can be undertaken safely since the submitted Geotechnical Report has not attempted a detailed investigation of the condition of these structures or considered the implications of the development for their future stability.

14. Prior to development commencing, protective fencing in accordance with British Standard BS 5837 shall be erected along the edge of the woodland to be retained on the site adjacent the development plots 4-7 and shall be maintained throughout the construction period.

Reason: In order to protect visual amenity and the long-term viability of the trees and to accord with Policy LP33 of the Kirklees Local Plan.

15. Development of Plots 4-7 shall be undertaken using piled foundations.

Reason: To protect the long-term viability of the trees within the site and to accord with Policy LP33 of the Kirklees Local Plan.

16. 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. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Construction works shall not start on the dwelling until the approved drainage arrangements have been provided on the site to serve the development and thereafter retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and the reduction of flood risk and to accord with the aims of Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework. This is required as a pre-commencement condition to ensure that safe and sustainable drainage arrangements are incorporated into the construction of the scheme.

17. Before the development is first brought into use, all works which form part of the Environmental Noise Survey authored by Paul Horsley Acoustics Ltd dated 20 June 2017 Ref J2624 -

a) shall be completed; and

b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To ensure that future occupants do not suffer loss of amenity arising from noise disturbance and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan.

18. Before work commences on the superstructure of the new dwellings, a Landscaping and Ecological Management Plan (LEMP) addressing means of avoiding impacts to the adjacent Local Wildlife Site and the means of providing ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The LEMP, which shall use the submitted Preliminary Ecological Assessment as a basis, 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) Details of any new boundary treatments to be installed as part of the development and how these will avoid adverse biodiversity impacts.
- g) Details of any new outdoor lighting associated with the development, if applicable
- h) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- i) Persons responsible for implementing the works.
- j) Details of initial aftercare and long-term maintenance.
- k) Details for monitoring and remedial measures.
- l) Details for disposal of any wastes arising from works.

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

Reason: To ensure that the biodiversity value of the Strategic Green Infrastructure Network and the adjacent Local Wildlife Site and Wildlife Habitat Network are conserved and enhanced, to accord with the aims of Policies LP30 and 31 of the Kirklees Local Plan and the National Planning Policy Framework – Conserving and enhancing the natural environment.

19. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of each hereby approved dwellings before it 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 accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

20. The insulation measures specified in the details submitted 22nd November 2021 shall be incorporated into all new dwellings at the construction stage and thereafter retained as such.

Reason: To ensure that the development contributes to the reduction of carbon emissions in order to facilitate the Council's net zero emissions target and to accord with the aims of Chapter 14 of the National Planning Policy Framework – Planning for climate change, flooding and coastal change.

21. 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 including paragraph A.1(ea)), no extensions or outbuildings shall be erected, altered or constructed, and no new hard surfaces shall be formed other than those shown on the approved plans, within the land edged in red on the approved location plan, without full planning permission having been first obtained from the Local Planning Authority.

Reason: In the interests of ensuring the long-term maintenance of high-value wildlife habitats and biodiversity within the site which could be harmed by uncontrolled development, to ensure that the amenities of new or existing dwellings are not harmed by overbearing impact or loss of privacy resulting from inappropriate extensions or buildings, and to accord with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Notwithstanding the details on the approved plans, all side-facing windows in the north-western elevation of the dwelling on Plot 3 shall be non-opening and shall be fitted with obscure glazing to give a minimum grade 5 degree of obscurity before the dwelling is first occupied. 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), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

23. Before development commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the safety of users of the adjacent Public Right of Way, HUD/318/20, would be safeguarded during construction. Development shall be implemented in full accordance with the approved scheme at all times during the development process.

Reason: This is a pre-commencement condition to ensure that users of the public footpath are given adequate protection at all stages of the development process so as to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

Note – Public Right of Way. The Public Right of Way that abuts the site, HUD/318/20, shall not be obstructed or unofficially diverted at any time before, during or after development works.

Contaminated land – Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance –

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

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: Network Rail land

The developer's attention is drawn the following advisory notes concerning the development activity on land that lies close to the boundary with Network Rail Land:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2021/91795&file_reference=873599

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2021/91795&file_reference=873600

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			
Proposed site plan	01	C	09-Nov-2021
Floorplans Plots 1-3	02	A	27-Oct-2021
Plots 1-3 proposed elevations	03	A	27-Oct-2021
Plots 4 & 6 proposed elevations and floorplans	04	A	28-Oct-2021
Plot 5 proposed elevations and floorplans	05	A	28-Oct-2021
Plot 7 proposed elevations and floorplans	06	A	28-Oct-2021
Section through Plot no. 4	08		28-Oct-2021
Design & access statement (amended)			09-Nov-2021
Noise report	J2624		23-Nov-2021
Preliminary ecological appraisal report	13734b/JE		06-May-2021
3D images comparing alternative designs			02-Aug-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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested amendments to house design in the interests of visual amenity and ensuring sufficient parking relative to the amount of accommodation provided, and also requested details relating to foundation type and reduction of greenhouse gas emissions as set out in the plans and specifications schedule.

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.

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 speedier 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 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: 03-Dec-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 planning applications and decisions' and by searching for application number 2021/62/91795/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
