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:	**2022/62/93376/W**
Site Address:	Land at, Station Road, Meltham, Holmfirth, HD9 4NL
Description:	Erection of 7 detached dwellings including associated car parking and turning head
Recommending Officer:	John Holmes

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 1st March 2023

Officer Report – 2022/93376

Site Description

The application site relates to a partially developed site which is in the later stages of being completed with residential development. An adjacent site to the west is in the early stages of construction, again for residential development.

The site is now relatively level and accessed from the south, with the access running adjacent to the southern boundary. Towards the rear amenity spaces there is a steep rise in the land level, it is clear excavation works have been required to enable the site to be levelled out for construction.

To the east of the site is an industrial complex and mill pond that is accessed via Station Road. To the south of the site is an area of protected trees and a watercourse with a commercial building beyond. The land to the west of the site has planning permission for the erection of 2 pairs of semi-detached dwellings.

Previously the land was used for grazing by livestock and is situated on the northern side of Station Road, Meltham. Station Road is a public right of way which is a long, narrow, private access road off Huddersfield Road that serves a small number of dwellings.

The site, as stated by the agent, is 4985m^2 in size.

Description of Development

The Scheme

The applicant is seeking retrospective permission for 7 dwellings. This requires the determination of a planning application to modify elements of approved developments that benefitted from a previously extant planning permission.

The retrospective consent is being sought as a previous consent for 7 dwellings (ref: 2019/90356, hereafter referred to as 'the 2019 consent') which was approved on 6th September 2019 was not lawfully commenced. Whilst there are dwellings built upon the site, the start of works on site was not lawful and cannot be regularised due to the fact that no conditions of the 2019 consent were discharged, and in particular pre commencement conditions that required details to be submitted before any development of the land took place and also the fact the time limit for a lawful start to be undertaken lapsed on 6th September 2022.

The Development would see three house types, A, B and C. These are all detached dwellings, with parking to the front of house types A and B, with

some level of green space also accommodated to the front of house types A and B. House Type C features a driveway to side and an attached garage to each of the type C dwellings. All of the dwellings are accessed from Station Road with the front elevations facing this road.

House Type A

The dwelling is of a typical design with use of Parapet and Corbel details with the front of the dwelling incorporating a bay window feature at ground floor, canopy above the front entrance and at first floor / roof level a gable feature which protrudes from the front roof slope. This feature is set at a lower level than the gable roof ridge of the dwelling by 1.4m. Both side elevations of this house type are gables to the main roof, with openings consisting of first floor windows serving bathrooms, and ground floor entrance point to a utility room.

To the rear there is a single storey element of the dwelling which incorporates a lean to roof and a large bi fold door opening. To the front there is a garage door serving a storage space which is integral to the main dwelling and accesses the property via the ground floor utility room.

House Type A has a floor space of 156.57m^2 which is split across a utility room, kitchen dining room, integral garage/storage space, hall, store and lounge at ground floor level. At first floor level the space is further split between a small storage cupboard, four bedrooms, one house bathroom and one en-suite serving bedroom no.1. This house type is situated on a level part of the site.

This dwelling is 8.6m to the roof ridge and 5.4m to the eaves.

House Type B

This house type is split level, due to the fact the land level rises steeply to the north of this house type. House Type B has a three storey appearance from the front and two storey appearance from the rear, to the front the design is such that there is an integral garage/storage space and pedestrian door at ground floor, Juliet balcony windows at first floor and windows which have the appearance of small pitch roof dormer windows to the second floor. The dormer windows bring stonework above the eaves into a gable feature which ties into the front roof slope. The main roof of the dwelling is a gable roof.

Both side elevations of this house type are gables to the main roof, featuring openings which serve either utility, hallway or bathrooms. To the ground floor is a garage and large entrance hallway, with a small toilet accessed from this room. To the first floor is a lounge room and a kitchen / dining room, and a utility room. To the second floor are four bedrooms with bedroom no.1 featuring an en suite. A house bathroom and a store are also at this level. This accommodation is spread across 175.9m^2.

This dwelling is 11.5m to the roof ridge and 7.7m to the eaves.

House Type C

This house type is the largest and is of a similar design to house type A. The front features a gable although this is carried through from ground floor up to the roof where the gable then ties into the front roof slope. A lean to canopy is across the door and adjacent window. The integral garage serving this house type is set to the rear of a longer driveway which runs to the side of house type C. the same parapet and corbel details to the front elevation feature on this property also.

Both side elevations of this house type are gables to the main roof, with openings consisting of first floor windows serving bathrooms. To the rear of the dwelling is a large bi fold door opening and a number of windows, as well as a door to the rear of the integral garage.

The dwelling has a floor area of 185.78m^2 (excluding the garage) which is split at the ground floor amongst a garage, kitchen / dining room, lounge, study, toilet, hallway and store. At the first floor the split is over 4 bedrooms, a house bathroom, a store and an ensuite to serve bedroom no.1.

This dwelling is 8.5m to the roof ridge and 5.4m to the eaves.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application

- External Materials Statement (1381/EMS7)
- Ecological Design Strategy Report (ref: 18464/HC
- Drainage Calculations / tests dated 17th August 2022
- Letter dated 15th July 2015 relating to Soakaway Tests (ref: 15-154.07L)
- Design and Access Statement (ref: 1381/DAS 7)
- Fast Charging Electric Vehicle Charging Point document (ref: PP-D-210079-2)
- Environmental Lighting Impact Assessment Report (ref: SHD616)
- CEMP Traffic Plan and Statement dated 12th October 2022)
- Environmental Management Plan (ref: 029)
- Construction Environmental Management Plan (ref: 18646a/HC)
- Phase 1 Desk Top Study Report (ref: 15-154)
- Phase 2 Ground Investigation Works (ref: 15-154.01L)
- Phase 2 Ground Investigation Report (ref: 16-273)
- Remediation Statement and Verification Proposals Sheets (ref: 22-174)
- Letter dated 19th December 2022 relating to land quality
- Email dated 20th December 2022 relating to Contamination and the submitted Construction Environmental Management Plan
- Email dated 29th November 2022 relating to Drainage, Contamination, Electric Vehicle Charging, Construction Environmental Management Plan and Materials

History of Negotiations / Amendments Received

During the course of the application discussions have taken place in regard to the submitted information which sought to satisfy conditions of the 2019 consent which were anticipated to still be relevant in the consideration of this case and what further information was required, and what the response of consultees was. There has been ongoing discussions with the applicant's agent and consultees in relation to the submitted information, with the submission of further information & plans during the course of the application.

Amended plans submitted have reduced the size of the site to be less than 0.5 hectares from that as initially proposed (5.3 hectares). This has been done by a reduction in the rear amenity spaces. There has also been amendment to the plans in relation to the proposed boundary treatments.

The further submitted information is in relation to conditions considered to be likely included in the event of any grant of permission. Given such information / details would not be subject to further advertisement were such information to be required by a pre commencement or prior to occupation condition, it was not considered necessary for further advertisement of the application to be undertaken in this case and that the scheme as advertised adequately alerted the public to the nature of the development.

Relevant Planning History

The most relevant planning history relates to the following planning applications

> **2014/91714** Erection of 2 dwellings and widening, surfacing and lighting to
> Station Road – Approved by the Sub Committee
>
> **2016/90103** Discharge of Conditions 3, 4, 9-13 and 20 on previous planning permission 2014/91714.
>
> **2019/90356** for Erection of 7 dwellings – Approved 6th September 2019

It is noted there are two undetermined applications which relate to the 2019 consent, these have not been determined on the basis that they cannot be as they relate to a lapsed permission. The details for these being as follows:-

> **2022/91556** Land at Station Road, Meltham, Holmfirth, HD9 4NL – Variation of condition 2. (plans) on previous permission no. 2019/90356 for erection of 7 dwellings
>
> **2022/92240** 7 dwellings at Land Off, Station Road, Meltham, Holmfirth, HD9 4NL – Discharge condition 3 (External Materials) on previous permission 2019/90356

The applicant has set out their intention to withdraw these applications following the outcome of this application.

To the west of the site an application for four dwellings is currently pending determination (application ref: 2022/93033). The site to the west also benefits from an extant permission to develop the land for four dwellings (application refs: 2021/90336) which was granted permission to amend the plans approved for a previous proposal for four dwellings (application ref: 2015/92638) and associated discharge of condition application (application ref: 2016/92857). There is, therefore an extant permission in place to develop land to the west of the site for four dwellings.

It should be noted that, at the time of the 2019 consent for the application site being granted, there was also an extant consent to develop land to the west with four dwellings.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as a affecting a public right of way on the Council's website, by neighbor notification, site notice and by press advertisement. The expiry date of the publicity period was the 9th December 2022.

No third party representations have been received from members of the public.

Amendments and further information that have been submitted have not been considered to amend the scheme to such a degree as to require further advertisement of the application. The scheme as advertised is considered to have suitably notified the public about the development.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

Public Rights of Way (Kirklees Council) – No response received

Strategic Waste Team (Kirklees Council) – Provides advice about land quality

Drainage Team (Kirklees Council) – No objection subject to condition

Highways Team (Kirklees Council) – Advice provided in relation to private access

Environmental Health Team (Kirklees Council) – No objection subject to conditions

Ecology Team (Kirklees Council) – No response received

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is within the wildlife habitat network as identified within the Kirklees Local Plan (adopted 2019). The site is also located within a buffer zone of 200m of a known historic landfill site, and an area with a known presence of Radon Gas.

The site if within an area known to be frequented by bats, and is also in an area which is identified as being at low risk of ground movement as a result of former mining activity. Land to the south of Station Road is subject to a TPO, which protects the woodland upon the land to the south of the site.

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP7 Efficient and effective use of land and buildings
LP11 Housing Mix and Affordable Housing
LP21 Highway and Access
LP22 Parking
LP23 Core Walking and cycling network
LP24 Design
LP27 Flood risk
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP33 Trees
LP51 Protection and Improvement of Local Air Quality
LP52 Protection and improvement of environmental quality
LP53 Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter2 Achieving sustainable development
Chapter12 Achieving well-designed places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Impact upon Ecology
6. Impact upon Drainage / Flood Risk
7. Impact upon Land Quality
8. Impact upon Land Stability
9. Other matters
10. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable

development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

The density of the development would be approximately 14 houses per hectare. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

In this case the site is accessed via a unadopted highway and the site is characterised by topography which makes it difficult to achieve any layout other than a linear development which fronts the highway with gardens behind, which inhibits the ability for the site to be developed with a higher density of dwellings without introducing other issues such as visual impact or impact upon access and highway safety.

It is therefore considered that to require a higher density of development would lead to issues in relation to other considerations which are material to the determination of this case and in this instance the lower density of development can be accepted.

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have

yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Given the above, it is considered that the proposal would be acceptable in principle subject to being concluded as acceptable in relation to all other applicable policies (discussed within the following report). As such it is considered the proposal meets the requirements of policies of LP1, LP2, LP3, LP7, LP11 and LP24 of the Kirklees Local Plan and sections 2 and 11 of the NPPF.

2 – Impact on character and appearance of the area

Visual Amenity

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The design of the dwellings is set out in 'The Development' section of this report and it is not considered necessary to repeat that information here. It is considered that the design of the dwellings would read, either in isolation or cumulatively, as an appropriate linear design with the dwellings being of an acceptable appearance and scale as well as the layout in relation to one another / street and also the window and door arrangement / alignments.

The landscaping of the site is detailed in submitted drawing 6993.01RevF, this details tree / shrub planting throughout the site and this would be to the front and rear with elements of soft landscape to the front of each property. There would be an appropriate mix of hardstanding and soft landscaping throughout each plot such that there is not considered to be an unacceptable impact in terms of parking arrangements being to the front of a number of the properties (plots 3 – 7).

It is recommended that any grant of permission requires the landscaping scheme to be completed, in accordance with the submitted details.

The levels across the site, and including those of the proposed dwellings and amenity spaces are detailed in submitted drawing 1309-902RevA. Whilst some considerable level of engineering works to create level plots has been undertaken and is detailed upon the drawing, it is not considered that the proposed levels have a detrimental impact by unduly building up land; given the context of the site within rising land. As such it is considered this element of the proposal is acceptable in terms of visual impact.

The boundaries of the site would consist of low level walls / fence (1.2m in height) to the front boundaries and part of the side boundaries to the front of the properties. Hedgerows are also proposed to the front dividing boundaries between the dwellings. To the rear the side boundaries are 1.8m in height dropping to a 1.2m high post and rail/wire fence towards the rear and across the whole of the rear boundary.

It is considered that the proposed boundary treatments would have an acceptable visual impact given the land levels rise towards the rear and would not be unduly imposing given towards the higher part of the gardens the fence would be of a low level / open design. It is recommended any grant of permission is subject to condition requiring the boundary treatments to be in accordance with those set out on drawing 1381-001RevD. Subject to condition the proposal is considered acceptable in this regard.

The design of the dwellings and layout of the site is considered to be acceptable in terms of impact upon the character of the wider locality, taking account of the extant consent for the adjacent site. A materials palette has been submitted as part of this application (External Materials Statement, ref: 1381/EMS 7) which details the materials as being tumbled and dyed natural stone and edged to the walls, natural blue grey slates, stone mullions and gutter corbels and anthracite fascia boards, gutters and downpipes. Grey upvc is detailed for all windows and doors. It is considered the materials are suitable to the locality, and it is considered that subject to condition the development is undertaken in accordance with the submitted details the development is acceptable in this regard.

The visual impact of the development could be significantly increased as a result of artificial lighting. An Environmental Lighting Impact Assessment Report (ref: SHD616-SHD-HLG-STAT-RP-EO-Lighting Assessment Report-

R0) has been submitted as part of this application. This sets out that low level lighting columns would be installed to the front corner of each plot adjacent to parking areas.

The lighting columns would be 1.2m high and of a stainless steel material. It is considered the design of the lighting would not be intrusive and would be in keeping with the design of the dwellings and the quiet nature of the surrounding land. As such it is considered that subject to condition the development is undertaken in accordance with the submitted Lighting Impact Assessment Report, the development is acceptable with regard to artificial lighting.

There would be ample room to accommodate bin storage for each dwelling to the rear, and it is considered the visual impact of bin storage would not be significant given the ability to store bins in a variety of areas within the site and particularly to the rear. An area annotated ‘Bins’ on the submitted plans indicates the area they would be stored for collection and indicates rear storage or elsewhere as the likely storage area on non collection days. It is therefore considered bin storage arrangements for the development are acceptable.

The overall impact of the linear form of development is considered to have a coherent and logical design in this locality which would maintain a suitable level of soft landscaping such that the development would not be overly urbanising and would harmonise with the character of the area. It is therefore concluded that, subject to conditions the development is concluded to have an acceptable visual impact.

It is therefore considered the development meets the requirements of the aforementioned policies.

3. Impact on Residential Amenity

A core planning principle as set out in the Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The nearest residential properties are over 80m to the south of the site, a number of buildings in commercial use are to the east approximately 50m in distance. This land to the east forms part of an allocated employment site A large commercial premises in general industrial use is to the south west of the site, at an approximate distance of 30m from the southern boundary of the site.

Within the consideration of the 2019 consent it is noted Environmental Health did not raise any objection to the proposal in regard to potential noise issues for the future occupiers or issues relating to operational flexibility of the established commercial site. No objection has been raised in relation to this application either. The same conclusion as the 2019 consent is drawn insofar as the proposed dwellings are considered to be separated from the nearest commercial property by a distance adequate to mitigate any potential impacts.

With regard to construction noise, notwithstanding the development has started, the works are ongoing and a Construction Environmental Management Plan dated the 10th of May 2022 and a plan/diagram titled Meltham Station Road, Traffic Plan and Statement, dated 12th October 2022 have been submitted. The Environmental Health Team has stated the working hours are in line with their standard requirements and that local residents have been contacted and point of contact provided to direct any concerns they have during the construction phase.

The submitted detail also sets out site specific measures to reduce noise and fugitive dust, as well as that there will be no fires, crushing or screening on the site. Lighting is detailed within the submitted documents as not exceeding the site boundary and excessive noise / dust occur works will cease until an alternative control method can be employed. The Environmental Health Team confirm they consider the amenity of neighbouring occupiers would be appropriately maintained during the construction phase of the development, and recommend a condition is included to ensure the submitted detail in this regard is adhered to for the duration of the construction works.

It is noted that there is a pending application for the land to the west of the site, this would see four dwellings continue the linear form of development for which this application also seeks permission for. As such it is considered the development would have no significant impact upon these properties given the nearest dwelling is separated by a distance of 18m and this would be a side to side elevation relationship.

Turning to the dwellings the subject of this application, all of the dwellings exceed the space standard as set out within the NDSS. In addition, they would all have in excess of 100m^2 of external amenity space to the rear. As

such it is considered that the dwellings would appropriately accord with the requirements of principles 16 and 17 of the Housebuilders Design Guide.

The land levels would see plot 5 at a higher level than plot 4. The difference being due to the topography of the site. Given these properties have a side to side relationship and the main openings are to the front and rear it is not considered that the impact of plot 5 would be significant upon the occupiers of plot 4. As such it is considered the proposal is acceptable with regard to land levels.

Given the distance of the development from neighbouring residential properties, and the scale of the development proposed there is not considered to be a significant impact resulting from overlooking, or undue overbearing / overshadowing caused by the development. The proposal is therefore concluded to accord with the aforementioned policies.

4. Impact on Highway Safety

Policy LP23 of the Kirklees Local Plan relates to cycling / walking network and sets out that proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted.

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The submitted detail sets out the intended access and turning arrangements to the site, with a turning head to the side of plot 7. Parking arrangements are such that 3 spaces per dwelling would be provided, with access taken from Station Road, an unadopted highway, which runs to the south of the site.

The initial response of the council's Highways Structures Team requested details in relation to location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading.

This information is, in part, detailed within drawing 1309-902revA (titled Hard Paving Specifications). The details within the submitted drawing detail the intention for permeable pavements and access for vehicles to be undertaken. The Highways Structures Team have subsequently commented further and confirmed that as Station Road is private and the Council would not be adopting this access, they no longer recommend the condition initially recommended and have no objection to the development.

The Council's Highways Team have been consulted and advise that the visibility splays from Station Road to Huddersfield Road are substandard,

although accident records show collisions did not involve vehicles and on the anticipated trip levels are not considered to significantly differ from those previously accepted. As such they raise no objection taking account of this point.

The Highways Team note some variations in terms of layout of the site, although they consider these to be minor and have no material impact upon the previous conclusion that development of the site for 7 dwellings would be acceptable. They further advise that a CEMP Traffic Plan and Statement is considered to be acceptable. In addition they request conditions / informative notes:-

- Condition requiring turning area shown on the submitted plans to be provided
- Informative note requiring the public footpath within the site (Station Road) to not be obstructed / closed without the necessary consent being in place.
- Informative note requiring surfacing to be in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)'

As the development has commenced, it is recommended the condition recommended by the Highways Team is amended to require this to be completed before first occupation of the first dwelling. In addition, the informative note in relation to surfacing is recommended to be included as a condition rather than informative.

Within the determination of the 2019 consent, widening of Station Road was requested. It was considered there was potential to undertake such works by the applicant at that time. Subsequently a condition was included upon that consent which required the submission of improvement works to Station Road, including surfacing, drainage, street lighting & provision of the footway. The condition also required the use of reclaimed / new stone setts to the access to the site.

This condition was not discharged and whilst it is noted there is detail included upon submitted drawing 1309-902revA, the timeframe for undertaking these works is not confirmed. It is noted the adjacent site is being developed and it appears the application site is being developed prior to the adjacent site. As such it is considered that the timeframe for undertaking the improvement works to Station Road is not clear at this time.

It is considered necessary to include a condition upon any grant of permission which secures the highway improvement works in the interests of highway safety – including users of the PROW - It is therefore recommended any grant of permission requires the submission of a scheme of improvement works to Station Road which also requires a timeframe for the works to be undertaken to be included as part of the submitted scheme.

It is considered that the development, subject to conditions, does not have a detrimental impact upon highway safety and does not detrimentally impact upon the operation of the public footpath. Parking provision is considered to be acceptable, subject to condition. Taking account of the response of the Highways Team & the 2019 consent it is considered that the development is acceptable with the regard to access & highway safety / parking and accords with the aforementioned policies.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The submitted detail sets out electric vehicle charging will be provided, this is detailed on page 15, section 4.1 of the Design and Access Statement from HNA Architects dated October 2022 (Ref 1381/DAS 7) and the Solo 3 – Domestic Install Guide (ref: PP-D-210079-2)

Specifically One electric vehicle recharging point shall be installed within the integral garage for each of the dwellings. 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 submitted detail in relation to the specific charging point sets out the type, design and operation of the charging point.

The Council's Environmental Health Team have confirmed they consider the details in relation to electric vehicle charging to be acceptable. They recommend a condition be included to ensure the details submitted are undertaken.

It is considered that suitable mitigation for a development of this scale is proposed as part of the application and that, taking account of the response of the Environmental Health Team, subject to condition adequate mitigation to address the climate change emergency is proposed. The development is

therefore considered to comply with Chapter 14 of the National Planning Policy Framework and principle 18 of the Housebuilders Design Guide SPD.

6. Impact Upon Ecology

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.
The submitted detail sets out that the site would be landscaped with the planting of 13.no trees, 402 plants to form hedgerows, 357 shrubs / plants. This would be spread throughout the site, although predominantly to the front and sides of the dwellings, with 4 trees located to the rear. There has been no response to consultation received from the Council's Ecology Team, notwithstanding this point it is considered the LPA is still able to determine this application having regard to ecology.
The biodiversity value of the site prior to any development was not considered to be significant given the site was grassland. The proposal would see an improvement to the number of plants within the site, and the species mix. It is considered that coupled with the low level lighting which is proposed and subject to condition that the landscaping and lighting is implemented in accordance with the details submitted, there would be a net gain in terms of the biodiversity value of the site.
In addition, the scheme has been amended to allow for more open boundary treatments which will allow for the movement of wildlife through the site more easily. It is considered this is a measure which would mitigate against losing the site as a route for wildlife or for use as habitat. It is recommended this is ensured by a condition being in place upon any grant of permission requiring the development to be in accordance with the details upon the submitted plan.
It is therefore concluded that, subject to conditions, the development is acceptable in this regard and accords with the aforementioned policy.

7. Impact upon Drainage / Flood Risk

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

The drainage arrangements for the site are detailed within the following submitted drawings:

- BV Consulting - 1309-900, Drainage Layout Sheet 1/2, Rev P03
- BV Consulting - 1309-901, Drainage Layout Sheet 2/2, Rev P02
- BV Consulting - 1309-902, Hard Paving Specification, Rev P01
- BV Consulting - 1309-700, Flood Routing Plan, Rev P01
- TBA Associates Ltd - 6993.01, Landscape Proposal, Rev F (plots 1 - 7 only)

In addition to the above listed drawings, drainage calculations for soakaways has been submitted. The Lead Local Flood Authority (LLFA) have been consulted and have stated that the submitted information is considered to be acceptable, although they would expect there to be a need for further soakaway tests to confirm the infiltration rate of 3.44 m/hr is equalled or exceeded.

The LLFA suggest conditions requiring a scheme of foul, surface and land drainage to be submitted to the LPA for approval. After further discussion they have confirmed that the submitted scheme detailed in the above listed plans is considered suitable and that any grant of permission should be subject to condition requiring the drainage of the site to be in accordance with those plans.

In addition, they recommend any grant of permission be subject to a scheme of temporary drainage arrangements being submitted to, and agreed in writing by the LPA. Ordinarily this would be agreed prior to works starting on site. However as works on site are at an advanced stage and drainage infrastructure is being implemented it is considered it is unnecessary in this case to require a scheme of temporary drainage arrangements to be agreed by the LPA.

It is therefore recommended that any grant of permission requires the drainage infrastructure at site to be in accordance with that detailed on the above listed plans. It is further recommended that an informative note advising of the likely requirement for further soakaway tests is included upon any grant of permission.

Subject to condition and informative note it is concluded that the development does not have a detrimental impact upon drainage and flood risk and is acceptable in this regard.

8. Impact upon Land Quality

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The application has been submitted with an accompanying phase II ground investigation report (Arc Environmental dated May 2016 - Ref: 16-273 and

letter titled Re: 2022/93376 - Land off Station Road, Meltham, Huddersfield by Arc Environmental dated 19th December 2022).

The Phase II report details findings from fieldwork undertaken in 2016. The ground contamination assessment did not encounter any significant levels of contaminants and considered that further work in the form of remediation or a remediation strategy is not required for this site. The letter provides additional commentary to support the deviating samples reported in the remediation strategy.

The Environmental Health Team consider these documents to be satisfactory and satisfy conditions previously recommended upon the 2019 consent. They further advise that remediation must now be undertaken in accordance with the Remediation Statement by ARC Environmental, dated 4th July 2022 (ref: 22-174). They advise that they have no objection to the proposal on the basis conditions to secure the necessary remediation are included upon any grant of consent.

It is therefore considered that, taking account of the submitted detail and the response of the Environmental Health Team, the site can be suitably remediated to ensure there would be land quality suitable for residential occupation. It is therefore concluded that subject to inclusion of the recommended conditions the development accords with the requirements of paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan.

9. Impact upon Land Stability

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

10. Other Matters

With regard to planning obligations, in the consideration of application 2019/90356 the committee were advised that the development of 7 dwelling did not meet the trigger for affordable housing and public open space contributions and the development was not of a sufficient scale to require an education contribution. Approval of the development was granted on that basis. It is considered that in the consideration of this application the same conclusion is drawn in respect of planning obligations. It is therefore concluded that no S106 to secure an education contribution, affordable housing, public open space (or commuted sum in regard to those matters) is necessary / relevant in this case.

11. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation – Delegated Powers

Application Number: 2022/93376

Officer Recommendation: Conditional Full Permission

Conditions

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with policies LP1, LP2, LP7, LP11, LP21, LP22, LP23, LP24, LP27, LP28, LP30, LP51, LP52 & LP53 of the Kirklees Local Plan, the Council's adopted Highways Design Guide SPD, Principles 4, 5, 6, 7, 9, 12, 13, 14, 15, 16, 17 18, and 19 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

2. Within the first planting season following the substantial completion of the development hereby approved and before first occupation of the dwelling to which it relates, the soft landscaping of the site shall be completed in accordance with the details and specifications within submitted drawing 6993.01RevF. Following completion of the landscaping scheme all areas of soft landscaping shall be retained as soft landscaping thereafter. If, within a period of at least five years from planting, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. Reason: To ensure that there is a well laid out scheme of soft landscape in the interests of amenity and biodiversity of the site to accord with policies LP24 & LP30 of the Kirklees Local Plan, Principles 7 and 9 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 2, 12, and 15 of the National Planning Policy Framework.

3. The development hereby approved shall be completed in accordance with the materials of construction and colour finishes detailed within the submitted External Materials Statement, ref: 1381/EMS 7. The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed within the submitted External Materials Statement, ref: 1381/EMS 7. The materials of construction shall be thereafter retained.
Reason: In the interests of visual amenity to accord with Policies LP11 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

4. The boundary treatments for each dwelling shall be in accordance with those set out upon 1381-001RevD. No dwelling shall not be brought into use until the boundary treatment relating to that dwelling has been completed. The boundary treatments shall be thereafter retained.
Reason: In the interests of visual amenity to accord with Policies LP11, LP24 & LP30 of the Kirklees Local Plan, Principles 7, 9 & 13 of the Council's adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 & 15 of the National Planning Policy Framework.

5. The development hereby approved shall not be first occupied until the lighting scheme detailed within the submitted document titled 'Environmental Lighting Impact Assessment Report' ref: SHD616-SHD-HLG-STAT-RP-EO-Lighting Assessment Report-R0 has been completed. The lighting scheme shall be thereafter retained in accordance with this document.
Reason: In the interests of visual amenity, residential amenity, biodiversity and highway safety to accord with policies LP11, LP21, LP22, LP23, LP24 & LP30 and LP52 of the Kirklees Local Plan, the Council's adopted Highways Design Guide SPD, Principles 7 & 9 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 12 and 15 of the National Planning Policy Framework.

6. The development shall not be brought into use until the in-curtilage vehicular parking areas and the proposed vehicular turning head, marked 'TURNING HEAD' on submitted drawing 1309-902revA have been constructed and surfaced in accordance with the detailed specification set out in drawing ref 1309-902revA. Thereafter the turning head shall be retained for the unobstructed use for the turning of vehicles and the parking spaces retained in accordance with the detailed specification set out in the aforementioned drawing.
Reason: In the interests of highway safety, to ensure appropriate access to the site for service vehicles, in the interests of users of the public right of way which runs along Station Road, to mitigate flood risk and to accord with Policies LP21 and LP28 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework and the Council's adopted Highways Design Guide.

7. Within two months of the date of this decision, and notwithstanding the details on drawing no. 1309-902revA, a detailed scheme for the proposed improvement works to Station Road, including surfacing/re-surfacing, drainage, provision of the footway and timetable for the implementation and completion of the works shall be submitted to the Local Planning Authority. The submitted scheme shall include detail relating to surfacing of the carriageway being undertaken using the existing and reclaimed / new stone setts.
   Following the issuing of written approval of the scheme by the Local Planning Authority, the works to Station Road shall be provided in accordance with the approved timeframe and shall thereafter be retained as such.
   Reason: In the interests of access and highway safety, including users of the public right of way to accord with policies LP21 & LP22 of the Kirklees Local Plan and the Council's adopted Highways Design Guide.

8. The entirety of the construction phase of the development hereby approved shall be undertaken in accordance with the submitted Environmental Management Plan by Brierstone Ltd, dated the 10th of May 2022 and submitted plan titled Meltham Station Road Traffic Plan and Statement dated 12th October 2022.
   Reason: In the interests of highways safety, including users of the public right of way and amenity of nearby occupiers to accord with policies LP21, LP24 & LP52 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the submitted Remediation Statement by ARC Environmental, dated 4th July 2022 (ref: 22-174). 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 Reports 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 Chapter 15 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 Verification 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 the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been 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 Chapter 15 of the National Planning Policy Framework

11. The development hereby approved shall not be brought into use until the foul, surface and land drainage infrastructure detailed within submitted plans 1309-900 RevA (titled Drainage Layout Sheet 1/2) 1309-901 RevA (titled Drainage Layout Sheet 2/2), 1309-902 RevA (titled Hard Paving Specification), 1309-700 RevP2 (titled Flood Routing Plan) and 6993.01 Rev F (titled Landscape Proposal) has been completed. The foul, surface and land drainage infrastructure approved by this condition shall be thereafter retained.
Reason: To ensure that adequate measures are put in place to ensure the provision of adequate and sustainable means of drainage to ensure that the development accords with policies LP27 and LP28 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

12. The development hereby approved shall not be brought into use until the dedicated facilities that will be provided for charging electric vehicles have been installed and made operational in accordance with those detailed within section 4.1 of the submitted Design and Access Statement (ref: 1381/DAS 7) and the submitted document titled ‘Solo 3 – Domestic Install Guide’ (ref: PP-D-210079-2). Once installed the charging points shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to accord with Policies LP24 and LP51 of the Kirklees Local Plan and policies within Chapters 2 and 15 of 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. Works to Station Road as required by condition will need to be agreed with the Council’s Public Rights of Way team before any are undertaken.

NOTE: The applicant is reminded that 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Further soakaway tests will need to be undertaken during the construction phase to confirm that the design infiltration rate of 3.44 m/hr used to determine the soakaway sizes is equalled or exceeded.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Application Form		-	13th October 2022
External Materials Statement	1381/EMS7	-	13th October 2022
House Type A	1381-P-101	-	13th October 2022
House Type B	1381-P-102	-	13th October 2022
House Type C	1381-P-103	-	13th October 2022
Topographical surveys	S22-390-2 & S22-390-1	-	13th October 2022
Ecological Design Strategy Report	18464/HC	-	13th October 2022
Drainage Calculations / tests dated 17th August 2022		-	13th October 2022

Plan Type	Reference	Version	Date Received
Design and Access Statement	1381/DAS 7	-	13th October 2022
Fast Charging Electric Vehicle Charging Point document	PP-D-210079-2	-	13th October 2022
Environmental Lighting Impact Assessment Report	SHD616-SHD-HLG-STAT-RP-EO-Lighting Assessment Report-R0	-	13th October 2022
Construction Environmental Management Plan	18646a/HC	-	13th October 2022
Certificate D Advertisement		-	13th October 2022
Phase 1 Desk Top Study Report		-	13th October 2022
Letter dated 15th July 2015 relating to Soakaway Tests	15-154.07L	-	29th November 2022
Station Road Traffic Plan and Statement dated 12th October 2022		-	29th November 2022
Phase 2 Ground Investigation Works	15-154.01L	-	29th November 2022
Email dated 29th November 2022 relating to Drainage, Contamination, Electric Vehicle Charging, CEMP and Materials		-	29th November 2022
Environmental Management Plan by Brierstone Ltd, dated the 10th of May 2022		-	20th December 2022
Phase 2 Ground Investigation Report	16-273	-	20th December 2022
Remediation Statement and Verification Proposals Sheets		-	20th December 2022
Email dated 20th December 2022 relating to Contamination and CEMP		-	20th December 2022

Plan Type	Reference	Version	Date Received
Drainage Calculations / tests dated 19th January 2023		-	31st January 2023
Site Location Plan	1381-SLPRevA	-	2nd February 2023
Hard Paving Plan	1309-902RevA	-	24th February 2023
Proposed Site Layout	1381-001RevD	-	24th February 2023
Drainage Layout 1 of 2	1309-900RevA	-	24th February 2023
Drainage Layout 2 of 2	1309-901RevA	-	24th February 2023
Flood Routes plan	1309-700RevP2	-	24th February 2023
Landscape Proposal	6993.01 Rev F	-	24th February 2023

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. Amended plans and further information have been requested / submitted to address matters raised by consultees and to amend the boundary treatment of the site.

Report Dated: 24th February 2022

Coal – low