Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93376/W

To: **Yousaf Qazi,**
H N A Architects Ltd
Temple Works
Temple Street
Oldham
OL1 3NJ

For: Dax Bradley, Brierstone 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 DETACHED DWELLINGS INCLUDING ASSOCIATED CAR PARKING AND TURNING HEAD

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

In accordance with the plan(s) and applications submitted to the Council on 21-Oct-2022, subject to the condition(s) specified hereunder:-

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
Design and Access Statement	1381/DAS 7	-	13th October 2022
Fast Charging Electric Vehicle Charging Point document	PP-D-210079-2	-	13th October 2022

Plan Type	Reference	Version	Date Received
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
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
Plan Type	**Reference**	**Version**	**Date Received**

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.

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

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

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

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

Details Reserved by Condition

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

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

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

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

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

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

Development within a Coal Mining Area

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

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

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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/appeal-planning-decision. 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: **01-Mar-2023**

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 2022/62/93376/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
