KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	**2023/44/92359/W**
Site Address:	Land at, Station Road, Meltham, Holmfirth, HD9 4NL
Description:	Discharge condition 7 (improvement works to Station Road), 10 (Validation Report) on previous permission 2022/93376 for erection of 7 detached dwellings including associated car parking and turning head
Recommending Officer:	John Holmes

DECISION – Details for conditions 7 and 10 approved

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: 08-Mar-2024

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2022/93376 and permission granted for the erection of 7 detached dwellings including associated car parking and turning head.

The applicant is now seeking to discharge Condition 7 (improvement works to Station Road) & 10 (Validation Report) from permission 2022/93376.

ASSESSMENT

Condition 7

This condition states the following: -

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.

As part of this application the following has been submitted: -

- Email dated 31st January 2024
- Drawing titled 'Hard Paving Specifications' reference 1309-902RevA

The Council's Highways Structures Team confirm they have no comment to make. The Highways DM Team have also been consulted regarding this application, and set out in their response that the submitted plan details the construction details for the turning head, access road (Station Road) and the driveways. They confirm in their response that the submitted details demonstrate that the construction will be carried out to adoptable standards (although it is noted that the highway is unadopted and unlikely to be offered for adoption). The conclude that they consider the submitted scheme to be suitable for the discharge of condition 7.

The condition requires details of the surfacing/re-surfacing, drainage, provision of the footway, drawing 1309-902RevA sets this out with permeable paving to driveways / the footpath. Whilst only one footpath is shown on the site plan (and two shown on the section) upon drawing 1309-902RevA, it is considered that the provision of the footpath to the section adjacent to the dwellings is sufficient. Furthermore, taking account of the response of the

Highways Team and the submitted detail and details from LLFA during the course of the application, it is considered the drainage arrangements for the highway are suitable.

In terms of the timetable for the implementation and completion of the works, the applicants' agent has stated the following within an email dated 31st January:

> *'The Proposed condition is for Phase 1 (Plots 1-7) however there is another 4 Units to be completed within Phase 2, therefore it is the developers intention to complete the works to the improvement of Station Road by February 2025. This will avoid construction traffic to Phase 2 damaging the improvement works to Phase 1.'*

The submitted scheme details using the existing and reclaimed / new stone setts.

The submitted scheme is considered to be acceptable to the LPA in terms of the requirements of condition no.7, and having regard to the details submitted and response of the Highways Team, the submitted scheme includes a reasonable timeframe for the implementation and completion of the works and it is considered that the proposed scheme detailed in the submitted plan is acceptable.

It is therefore recommended that condition no.7 is satisfied and discharged, there is a requirement that the development is undertaken in accordance with the timeframe approved by this condition with the works to be completed by February 28th, 2025, and that upon completion of the works the approved scheme shall be retained thereafter.

Condition 10

This condition states the following: -

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

As part of this application the following has been submitted: -

- Letter dated 1st August 2023 (ref: 22-174.01L)
- Appendix I, Photographic Record Sheets

- Appendix II, Product Specifications
- Appendix III, design drawings (refs: GRB03RevB, GRB08RevB & HB07).
- Email dated 31st January.
- Document titled 'Additional details of verification of Gas Protection Measures for Plots' received 31st January 2024

The Council's Environmental Health Team have been consulted, and initially advised the submission sets out that the installation of conventional strip foundations with a suspended block and beam floor with a sub-floor void, a passive ventilated sub-floor void and the installation of a hazardous ground gas barrier membrane was undertaken. They go on to note that the condition of the gas barrier was confirmed as being 'generally good' and any minor tears or punctures detected were suitably repaired using a gas-resistant self-adhesive membrane. In addition, all joints are described as sealed using double-sided jointing tape with a secondary seal of the overlap with gas-resistant tape.

They noted that the submitted details set out that all overlaps were equal to or greater than 100mm in accordance with manufacturers' guidelines and that service entries and service duct seals in the floor slab were found to be sealed to the gas barrier using preformed top hats and gas resistant self-adhesive membrane. They finally note that the report also explains that service ducts will be sealed later, and photographic evidence of the installation has been provided.

The Environmental Health Team confirmed that they were generally satisfied with the information presented. However, they required additional confirmation that the service ducts have been sealed as these can act as pathways for ground gases.

Further photographs were provided, with an email dated 4th September 2023 however the Environmental Health Team confirmed in an email dated 19th October that they had reviewed the photographs but there was no supporting commentary and there was questionable taping etc. They advised that they would expect a supporting commentary and any service entries seals to be verified as the rest of the gas protection elements to ensure the system provides the necessary protection to the end-user.

With an email dated 31st January the applicants' agent advises the following:

> *'Within the attached validation Report from ARC Environmental dated 1st August 2023 there is supporting commentary that states;*
>
> *During the site visits to inspect the installation of the gas membrane, no non-conformances were recorded. Therefore, based on the inspections carried out by Arc Environmental Ltd., this validation report confirms that the hazardous ground gas protective measures within the residential development have been satisfactorily installed and as such have PASSED inspection.*

We have also attached additional Photos of the Gas protection Measures and Service Entry Seals as requested.'

The document submitted with the 31st January email has been reviewed by the Council's Environmental Health Team who advise that further to their comments (dated 4th September 2023) they have received additional confirmation that the service ducts have now been sealed, supporting document by HNA Architects. They subsequently advise they have no objection to the discharge of condition no.10.

Having regard to the submitted detail and response of the Environmental Health Team, it is considered that the submitted scheme satisfies the requirements, and sets out an acceptable scheme, in relation to condition no.10. Therefore it is recommended this condition is discharged.

DECISION LETTER TEXT

Condition no.7

You have submitted the following: -

- Email dated 31st January 2024
- Drawing titled 'Hard Paving Specifications' reference 1309-902RevA

On the basis of the submitted drawing and email dated 31st January, condition no.7 is satisfied and discharged. There is an ongoing requirement that the development is undertaken in accordance with the timeframe approved by this condition with the works to be completed by February 28th 2025 and that upon completion of the works the approved scheme shall be retained thereafter.

Condition no.10

You have submitted the following: -

- Letter dated 1st August 2023 (ref: 22-174.01L)
- Appendix I, Photographic Record Sheets
- Appendix II, Product Specifications
- Appendix III, design drawings (refs: GRB03RevB, GRB08RevB & HB07).
- Email dated 31st January 2024
- Document titled 'Additional details of verification of Gas Protection Measures for Plots' received 2nd February 2024

The submitted scheme satisfies the requirements of condition no.10 and is considered acceptable. This condition is therefore discharged.