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:	**2024/62/91202/E**
Site Address:	Land off, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Erection of eight dwellings with associated access and external works
Recommending Officer:	Nina Sayers

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the 31 October 2024 Committee Report and recommendation annexed below in respect of the above matter as per the resolved decision of the District-Wide Planning Committee.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 2-DEC-2024

Decision Authorisation – Committee Decision

Committee: District Wide Planning Sub Committee

Date of Committee: 31 October 2024

Application Number: 2024/91202

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions

Committee Decision: DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions

Events since committee decision:

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The statutory biodiversity gain requirement (and its reason for imposition) does not require to be secured via a planning condition nor do they require a Section 106 agreement.

In this case, an informative has been attached to the decision to make the applicant aware of the statutory requirements of this separate regulatory function.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders

SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The front and side elevations of the dwellings hereby permitted shall be finished in stone and the roofing materials shall be slate, in accordance with the submitted plans and Design and Access Statement. The approved materials shall be thereafter retained.
Reason: To ensure the proposal is in keeping with the existing development in the vicinity, in the interest of visual amenity in accordance with LP24 and Principle 2 of the Housebuilders Design Guide SPD.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate/s with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the

National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

8. The dwellings shall not be occupied until the approved vehicle parking areas have been surfaced, marked out into bays and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

9. No development shall take place until details of the junction and associated highway works, between the proposed site access and Marsh Lane have been approved in writing by the Local Planning Authority. No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.
Reason: To ensure that suitable access is available for the development, in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. Before development commences, any obstruction shall be set back to the rear of the approved visibility splays as demonstrated on the approved plan '24010/VIS/001- REV D' and shall be tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
Reason: To ensure adequate visibility in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

11. Notwithstanding the details shown on the approved plan 'ODS_23/666-REV J', the development shall not be occupied until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The development shall be completed in accordance with the approved plans and retained thereafter.
Reason: To ensure that suitable access is available for the development in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan.

12. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of

construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: To ensure that harm is not caused to the highway during construction in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

13. The development shall not commence until a survey of the existing condition of the highway on Marsh Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into
use.
Reason: In the interests of highway safety and to ensure the maintenance of the highway in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

NOTE: Development may not be begun unless:

(a) a biodiversity gain plan has been submitted to the planning authority; and
(a) The planning authority has approved the plan.

<u>The biodiversity gain plan must include:</u>

(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
(a) the pre-development biodiversity value of the onsite habitat;
(b) the post-development biodiversity value of the onsite habitat;
(c) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
(d) any biodiversity credits purchased for the development; and
(e) any such other matters as the Secretary of State may by regulations specify.

NOTE: If new sewers are to be included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), the applicant should contact Yorkshire Water's Developer Services Team

(telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption to be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(EX)001	A	29/04/2024
Existing Site Plan	(EX)002	B	17/07/2024
Proposed Site Plan	(20)008	J	16/10/2024
Site Access Arrangements	24010/ACC/001	D	27/09/2024
Swept Path Analysis	24010/SPA/001	E	27/09/2024

Visibility Assessment	24010/VIS/001	D	27/09/2024
Proposed Site Sections	(35)001	C	16/10/2024
Plot 1 GA	(20)001	C	27/09/2024
Plot 2 GA	(20)002	B	16/10/2024
Plot 3 GA	(20)003	B	16/10/2024
Plot 4 & 5 GA	(20)004	B	16/10/2024
Plot 6 GA	(20)005	B	16/10/2024
Plot 7 GA	(20)006	B	16/10/2024
Plot 8 GA	(20)007	/	16/10/2024
Preliminary Ecological Appraisal			05/06/2024
Design and Access			05/06/2024
Transport Statement	AT/24010/TS/1		28/08/2024
Response to Representation			16/07/2024
Tree Survey	240114c		06/09/2024
Arboriultural Impact Assessment	240114c AIA		06/09/2024
Arboricultural Method Statement	240114c MS		06/09/2024
Road Safety Audit: Stage 1	MAL/MLSRSA1Rev0		16/10/2024
Designer's response to stage one safety audit			16/10/2024
Biodiversity Metric			16/10/2024
Biodiversity Net Gail Assessment		3	16/10/2024

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.

Officers raised concerns regarding the density of the proposal and the scale of the houses in comparison to the existing built form. They also raised concerns regarding the amenity space of some of the dwellings, particularly those to the southern boundary. Amended plans were received which incorporated one pair or semi-detached dwellings, on a similar footprint to initially proposed detached dwellings which increased the number of dwellings from 7 to 8.

Officers raised concerns regarding the internal road layout and requested that it was demonstrated that refuse vehicles could turn within the site. An amended Transport Plan was received.

It is noted that there is a mature tree with a TPO which has not been included within the submitted arboricultural information. Updated arboricultural information was requested but none has been provided.

Report Dated: 18/10/2024