



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2017/60/91505/W

To: Andrew Keeling,
AKPlanning
4, Lewisham Road
Slaithwaite
Huddersfield
HD7 5AL

For: Mr J Mayo

**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:-**

Outline application for erection of residential development

At: Land off, Huddersfield Road, Meltham, Holmfirth, HD9

**In accordance with the plan(s) and applications submitted to the Council on
06-Jun-2017, subject to the condition(s) specified hereunder:-**

1. Plans and particulars of the reserved matters relating to the layout, scale, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

4. 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, in the interests of highway safety and the appearance of Huddersfield Town Centre Conservation Area and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework.

5. Detailed plans and particulars of reserved matters (Appearance) shall include details of materials to be used in the construction of each dwelling. Such details shall ensure that dwellings are faced in natural stone utilising slate roof tiles.

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 in the interests of visual amenity and the appearance of the area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained in the National Planning Policy Framework.

6. Detailed plans and particulars of the Reserved Matters (Layout) shall include full details of the proposed floor levels of each of the dwellings, levels of the driveways and surrounding roads.

Reason: In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan and in order to ensure good design standards in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained in the National Planning Policy Framework.

7. Detailed plans and particulars of reserved matters (Layout) shall include a scheme of foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate). Any surface water discharge to a main river should be limited to 5 litres per second per hectare. None of the dwellings 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 to which the dwellings relate and thereafter retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, Policy PLP28 of the Kirklees Publication Draft Local Plan and guidance contained in the National Planning Policy Framework.

8. 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, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, 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 throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, Policy PLP28 of the Kirklees Publication Draft Local Plan and guidance contained in the National Planning Policy Framework.

9. Detailed plans and particulars of the Reserved Matters (Landscaping or Layout, whichever is submitted sooner) shall include an ecological design strategy (EDS) addressing ecological mitigation and enhancement requirements identified in an up-to-date Ecological Impact. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

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

Reason: In the interests of the biodiversity of the area and to accord with Policy PLP30 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework.

10. Plans and particulars of the Reserved Matters (Landscaping or Layout, whichever is submitted sooner) shall include a landscape and ecological management plan (LEMP). The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, as included in the Ecological Design Strategy which shall include the large pond areas and associated woodland and vegetation.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of the biodiversity of the area and to accord with Policy PLP30 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: In the interests of visual amenity and the character of the area, so as to accord with Policy BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

12. Prior to occupation of any dwelling, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the biodiversity of the area and to accord with Policy PLP30 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework.

13. Prior to occupation of any dwelling an electric vehicle recharging point shall be installed at each dwelling and details of the location shall be submitted to and approved in writing by the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.

Reason: To accord with the guidance contained in Chapter 9 of the National Planning Policy Framework “Promoting sustainable transport” and to accord with Policy PLP20 and PLP51 of the Kirklees Publication Draft Local Plan.

14. No phase of the development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority.

The CMS shall include details of the following:

- (i) hours for site preparation, delivery of materials and construction;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for managing and the recycling/disposing of waste resulting from construction works.

(ix) location of any portable cabin structures

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In the interests of the amenity of the locality and highway safety, in accordance with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan and in accordance with chapter 11 of the National Planning Policy Framework.

Reason for pre-commencement: Construction works may have an impact on the amenity of the locality and highway and pedestrian safety therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

15. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

16. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 15, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by Local Planning Authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

17. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no 16, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework.

18. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no 17. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 15 of the National Planning Policy Framework.

19. Before development commences a report specifying the measures to be taken to protect the development from noise from both road traffic and industrial noise shall be submitted to and approved in writing by the Local Planning Authority.

The report shall (i) Determine the existing noise climate (Day and night) (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Unless otherwise agreed in writing with the LPA the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of the amenity of future occupiers in accordance with Policies EP4 and BE2 of the Kirklees Unitary Development Plan, Policies PLP15 and PLP52 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

18. Detailed plans and particulars of the Reserved Matters (Layout) shall include a scheme to address the impact of the proposed development on the existing foul water package treatment plant and associated infrastructure which lies within the site relating to no's 245 and 247 Huddersfield Road.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, Policy PLP28 of the Kirklees Publication Draft Local Plan and guidance contained in the National Planning Policy Framework.

19. The buildings shall not be occupied until sightlines of 2.4m x 120m along site frontage have been cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and in accordance with para 108 of the National Planning Policy Framework.

20. The development shall not begin until a scheme of street lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented before the development hereby approved is first brought into use.

Reason: In the interests of highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and in accordance with para 108 of the National Planning Policy Framework.

21. No development shall take place until details of the junction and associated highway works, between the proposed estate road and Huddersfield Road have been approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and in accordance with para 108 of the National Planning Policy Framework.

22. A scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of any of the dwellings hereby approved. Thereafter planning permission shall be implemented in accordance with the approved details.

Reason: To create a safe and accessible environment where crime and disorder, including the fear of crime, do not undermine the quality of life of residents, or community cohesion, in accordance with Policy BE1(iii) of the Kirklees Unitary Development Plan and Chapter 8 of the National Planning Policy Framework.

23. No part of the development shall be brought into use until a Full Travel Plan for the site, has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring;
- The provision of travel Information;
- Implementation and review timescale;
- Enforcement, sanctions and corrective/review mechanisms; and
- Details and the provision of a subsidised Metro Card scheme for all future residents.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1, Policy PLP21 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

26. Detailed plans and particular of the Reserved Matters (Layout) shall include a scheme of affordable housing. The scheme shall provide 20% affordable housing and the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

Reason: To ensure the provision of affordable housing in accordance with the requirements of Policy H10 of the Council's Unitary Development Plan and the Council's Supplementary Planning Document 2 (Affordable Housing).

27. Dwellings directly facing Huddersfield Road shall be no more than two storeys in height.

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 in the interests of visual amenity and the appearance of the area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site plan with new vehicular access	1754 - 01	A	13/11/2017
Road safety audit	1272(c)		13/11/2017
Location Plan			06/11/2017
Application form			16/05/2017
Ecological Appraisal			02/08/2017
Flood Risk Assessment			25/09/2017

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 Planning 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.

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**

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

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.**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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.

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: 06-Aug-2018

Signed:



**Karl Battersby
Strategic Director Economy and Infrastructure**

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 and view existing planning applications and decisions' and by searching for application number 2017/60/91505/W .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
