



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/90119/E

To: Nigel Jacques,
njArchitects
27, Margerison Road
Ilkley
LS29 8QY

For: R Smith

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:-

CHANGE OF USE OF PART OF COMMERCIAL SITE FOR ERECTION OF 5
HOUSES WITH ASSOCIATED ACCESS AND DEMOLITION OF EXISTING
EXTENSIONS TO COMMERCIAL BUILDING

At: THE OLD TANNERY, 224, SPEN LANE, GOMERSAL, BD19 4PJ

**In accordance with the plan(s) and applications submitted to the Council on
12-Jan-2018, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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 BE1, BE2, BE12, T10, G6, NE9, B4 and EP11 of the Kirklees Unitary Development Plan, Policies PLP 21, PLP22, PLP24, PLP28, PLP30, PLP33, PLP 51 and PLP59 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the erection of the superstructure of the dwellings is commenced. Thereafter the development shall be constructed of the approved materials and be retained.

Reason: In the interests of visual amenity to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapter 7 of the National Planning Policy Framework.

4. Prior to first occupation of the dwellings, the areas to be used by vehicles and pedestrians shall be surfaced and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

5. Prior to first occupation of the dwellings, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved drawing number 17.101.102 and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

6. Details of the siting, design, structural calculations and material to be used in the construction of any retaining walls / structures near or abutting the highway shall be submitted to and approved in writing by the Local Planning Authority before any such works commence. Thereafter the dwellings shall not be first occupied until the approved works have been constructed in accordance with the approved details and thereafter retained.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway and to accord with Policies BE1 and T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and the aims of chapter 11 of the National Planning Policy Framework.

7. Prior to first occupation of the dwellings an electric vehicle recharging point shall be installed within each curtilage. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

8. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of 'high' suitability for bats (i.e. three survey visits) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the local planning authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: This is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts in accordance with the aims of chapter 11 of the National Planning Policy Framework.

9. Where the survey approved pursuant to condition 8 confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

purpose and objectives for the proposed works;

detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

extent and location of proposed works shown on appropriate scale maps and plans;

timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

persons responsible for implementing the works;

initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: This is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of Policy PLP30 of the Kirklees Publication Draft Local Plan and a prerequisite in order to obtain the appropriate protected species licence.

10. Where the survey approved pursuant to condition 9 confirms the presence of a bat roost(s) no development shall take place in any circumstances unless the Local Planning Authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;

b) written confirmation of Site Registration under the Low Impact Bat Class Licence;

c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: This is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017 and to conserve biodiversity in accordance with the aims of chapter 11 of the National Planning Policy Framework.

11. Development shall not commence until actual or potential land contamination at the site has been investigated and a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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 approved 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

15. A scheme detailing surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before the erection of the superstructure of the dwellings is commenced. None of the dwellings shall be first occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) and the aims of chapter 10 of the National Planning Policy Framework.

16. A ventilation scheme to show how bedrooms facing Spen Lane (A643) in all plots shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority before the erection of the superstructure of the dwellings is commenced. Thereafter all works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

Reason: In the interests of protecting the amenity of future occupants and to accord with Policy EP4 of the Kirklees Unitary Development Plan as well as chapter 11 of the National Planning Policy Framework.

17. Notwithstanding the details and specifications submitted, a scheme of landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the dwellings commences. Thereafter the works comprising the approved scheme shall be implemented in accordance with the approved details before the dwellings are first occupied. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, 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 secure replacement tree planting and in the interests of visual amenity and to protect the amenity of neighbouring residential properties and in accordance with Policies BE1, BE2 and NE9 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP33 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapter 7 of the National Planning Policy Framework.

18. The privacy screens to the first floor external terrace areas shall be provided before first occupation of the dwellings to which they relate and thereafter shall be retained.

Reason: In the interests of protecting the amenity of the occupants of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan as well as Policy PLP24 of the Kirklees Publication Draft Local Plan.

19. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no new openings shall be created in the gables of the dwellings.

Reason: In the interests of protecting the residential amenity of occupiers of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan as well as Policy PLP24 of the Kirklees Publication Draft Local Plan.

20. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B and C and E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: In the interests of protecting the openness of the Green Belt and to protect the residential amenity of occupiers of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 9 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

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 225616 who can advise further on this matter

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 (Kirklees Street Scene: 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: 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 Mondays to Fridays, 08.00 and 13.00 hours Saturdays with no working on 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 and Existing Site Survey	17.101.101		12.01.18
Proposed Site Layout	17.101.102	B	12.01.18
Proposed Visibility Splay	17.101.105	B	07.03.18
Proposed Plans and Section House Type	17.101.103	B	12.01.18
Proposed Elevations	17.101.104	B	12.01.18
Street Scene Elevation	17.101.106	A	12.01.18
Design and Access Statement			12.01.18
Ecological Appraisal	SF2750		12.01.18
Arboricultural Report			12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 1 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 2 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 3 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 4 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 5 of 5		12.01.18

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. The case officer undertook negotiations with the applicant to clarify the footprint and volume calculations of the proposed dwellings and the buildings to be demolished, the extent of visibility from the proposed external first floor terraces and the proposed method of drainage of surface water.

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 an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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

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/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.

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: 09-Mar-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 planning applications and decisions' and by searching for application number 2018/62/90119/E.

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
