



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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

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**Application Number: 2015/62/90020/E**

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

**For:** Mr S Singh

**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:-**

DEMOLITION OF EXISTING HOTEL AND ERECTION OF 15 DWELLINGS

**At:** THE WHITCLIFFE HOTEL, PROSPECT ROAD, CLECKHEATON, BD19 3HD

**In accordance with the plan(s) and applications submitted to the Council on  
06-Jan-2015, 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 Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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 and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be inspected by and approved in writing by the Local Planning Authority before works to erect the superstructure of any dwelling commence. Thereafter the development shall be constructed of the approved materials.

**Reason:** In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

4. Notwithstanding the details shown on plan Ref PL/001 Rev H, details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. Thereafter the approved walls/fences shall be erected before any of the dwellings hereby approved are first occupied and shall thereafter be retained.

**Reason:** In the interests of visual amenity and to safeguard the amenity of occupiers of neighbouring residential properties, and to accord with Policies BE1 and D2 of the Kirklees Unitary Development Plan.

5. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter.

**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 and Chapter 10 of the National Planning Policy Framework.

6. A scheme detailing the proposed improvements to the unnamed road leading between Prospect Road and the application site including widening of the access, provision of a passing place, footway, traffic calming and improvements to the white lining at the junction with Gladstone Street and Prospect Road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. 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 scheme so approved shall be implemented before any dwelling is first occupied and thereafter be retained.

**Reason:** To ensure that suitable access is available to serve the development and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase 1 Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre-commencement condition 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 regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

8. Where further investigation is recommended in the Preliminary Risk Assessment approved pursuant to Condition 7 development shall not commence until 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 regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 8 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 regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 9. 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 regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

11. 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 regard to 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. A scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate to the same outfall, shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no dwelling shall be first occupied until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be thereafter be implemented.  
**Reason:** In the interests of sustainable drainage and to accord with Chapter 10 of the National Planning Policy Framework.

13. The development shall be carried out in complete accordance with the recommendations of the noise report by S & D Garritt Ltd dated September 2014.  
**Reason:** To protect the residential amenity of future occupiers of the development and to accord with Policy EP4 of the Kirklees Unitary Development Plan as well as the aims of Chapter 11 of the National Planning Policy Framework.

14. Prior to occupation of the dwellings, in all residential units with a dedicated parking area and/or garage, an electric vehicle recharging point shall be installed. 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 points 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.

15. An Arboricultural Method Statement, in accordance with BS 5837, to show how the development will be completed while avoiding damage to the trees' and their roots, protective fencing, root protection areas, specialist construction methods to be used shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Thereafter the development shall be undertaken in complete accordance with the approved Arboricultural Method Statement.  
**Reason:** This is a pre-commencement condition in order to protect the mature trees and their roots during all construction works and to accord with Policy NE9 of the Kirklees Unitary Development Plan.

16. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. Thereafter the development shall be carried out in complete accordance with the approved details.  
**Reason:** In the interests of promoting biodiversity interest within and beyond the site and in accordance with Chapter 11 of the National Planning Policy Framework.

17. A Landscape Management Plan for the long term maintenance of biodiversity features within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling is commenced. Thereafter the biodiversity features shall be maintained in accordance with the approved Landscape Management Plan.

**Reason:** In the interests of promoting biodiversity interest within and beyond the site and in accordance with Chapter 11 of the National Planning Policy Framework.

18. A scheme for the physical prevention of parking on Public Right of Way SPE/79/10 shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. Thereafter the development shall be completed in accordance with the approved details before any dwelling is first occupied and be retained.

**Reason:** In the interests of the safety of pedestrians on Public Right of Way SPE/79/10 and to accord with Policies BE1 and R13 of the Kirklees Unitary Development Plan.

19. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of any dwelling commence. 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. Thereafter the development shall be completed in accordance with the approved details before any dwelling is first occupied and be retained.

**Reason:** To ensure that suitable access is available for the development and to accord with Policy T10 of the Kirklees Unitary Development 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, C or E of Part 1 of Schedule 2 to that Order shall be carried out.

**Reason:** In the interests of preventing an over-development of the site, and to protect the residential amenity of occupiers of neighbouring residential properties and to accord with Policy D2 of the Kirklees Unitary Development Plan.

**NOTE:** In respect of Condition 16 the Biodiversity Mitigation and Enhancement Plan shall include:

- A landscaping scheme which includes planting to enhance and develop habitat networks within the site through the planting of native tree and shrub species.
- Five bat boxes in the form of a Schweglar type 1FR/2FR bat boxes or similar installed integral to the new dwellings within the site.
- Details of artificial lighting including security lighting. There shall be no light spillage into tree habitats and corridors or, areas with bat roost potential including installed bat boxes.

**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:** Public footpath number SPE/79/30, which crosses the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	02	A	22.02.16
Topographical Survey	1768/001		04.04.16
Proposed Layout	PL/001	H	11.08.16
Proposed Access Arrangements	101	C	11.08.16
Proposed Sections	PL/002		11.08.16
House Type A	A/01		11.08.16
House Type B	B/01		11.08.16
House Type C	C/01		11.08.16
House Type D	D/01		11.08.16
Design and Access Statement			07.01.15
Transport Assessment	894		07.01.15
Bat Survey			07.01.15
Noise Report			07.01.15
Phase I Contamination Report			07.01.15
Arboricultural Report	11968/TT		07.01.15
Coal Authority Mining Report	51000700699001		07.01.15

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. During the course of the application, negotiations took place regarding the layout and design of the development as well as highway safety matters. In addition, negotiations relating to contributions also took place. Following receipt of amended plans and additional information, the proposals, with the inclusion of the conditions as set out in this decision notice, are acceptable and comply with relevant development plan and national planning policy.

**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 Telephone: (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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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](http://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](http://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://acp.planninginspectorate.gov.uk> . 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 15-Mar-2017

Signed:



Jacqui Gedman  
Director of Place

## **Application Plans**

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

[planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

or telephone 01484 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

Planning, Strategic Investment Service,  
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR

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