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: 2016/60/90956/E

To: Alcuin Homes (Yorkshire) Ltd
3, New Street
York
YO1 8RA

For: Alcuin Homes (Yorkshire) Ltd

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 3 detached dwellings with associated access

At: Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY

In accordance with the plan(s) and applications submitted to the Council on 22-Mar-2016, subject to the condition(s) specified hereunder:-

1. Approval of the details of the appearance, scale, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, scale and 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 matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. 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 and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. 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 and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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 B1, B2, BE1, BE2, BE11, BE12, G6, T10 and T19 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

6. 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 with or without modification) no development included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the application red line.
Reason: In the interests of visual and residential amenity, and to prevent over development of the site, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

7. The internal road and adjacent footway shall be completed in accordance with the scheme shown on 6868/030 rev D before any building is brought into use and retained thereafter.
Reason: To ensure that suitable access is available for the development and to accord with policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reasons: In the interests of sustainable drainage and to accord with Policy BE1 of the Kirklees Unitary Development Plan and chapter 10 of the National Planning Policy Framework: Meeting the challenge of climate change, flooding and coastal change

9. Development shall not commence until a scheme detailing 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) has been submitted to and approved in writing by the Local Planning Authority. 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.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing. Providing this information 'pre-commencement' will allow for a detailed assessment of the drainage information to take place in a timely manner and to accord with Policy BE1 of the Kirklees Unitary Development Plan and the aims of chapter 10 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy by C*o*D*a Structures* reference 6868 – revision F dated 22 December 2015. 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: To address potential contamination issues and to ensure the site is fit to receive new development in accordance 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: To address potential contamination issues and to ensure the site is fit to receive new development in accordance with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

12. Prior to the occupation of the development, one plug in electric vehicle charging point (WallPod EV Ready 1 x 13a) shall be installed within the garage of each house and thereafter retained.
Reason: In the interests of encouraging sustainable transport and to accord with the sustainability principles of the National Planning Policy Framework

13. The details of ‘appearance’ to be provided pursuant to conditions 1 and 2 shall include the provision of the following:

- two sparrow terraces installed integral to a suitable aspect elevation(s) of each new dwelling.
- one bat tube (Schweglar type 1FR or similar) fitted integral to a suitable southerly aspect elevation of each new dwelling.

The bird and bat nesting opportunities shall be provided before the dwellings are first occupied and retained thereafter.

Reason: In the interests of promoting biodiversity interest within the site and in accordance with the guidance contained within the National Planning Policy Framework

14. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved first comes into use. These shall be designed so as not to impede the free movement of hedgehogs. The approved boundary treatments shall then be implemented before the development hereby approved first comes into use and retained thereafter.

Reason: In the interests of visual and residential amenity and in order to promote biodiversity interest within the site and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

15. The details of ‘landscaping’ to be provided pursuant to conditions 1 and 2 shall include a biodiversity mitigation and enhancement plan based upon the ecological report (by SLR dated 6.9.2013); bat activity survey (by SLR dated 22.7.2015); a data search; and phase 1 habitat map. The plan shall include the following:

- A precautionary soft felling approach to tree removal which should include inspection of features with potential for roosting bats immediately prior to felling. If bats are found then felling must cease immediately and the advice of licensed bat worker sought.
- The retention of the remaining mature tree, boundary hedges/shrubs where removal is not required to accommodate building or access and native species tree/shrub planting around the site boundary to enhance and develop habitat networks within and beyond the site.
- 2 Schewglar 1FF bat boxes or similar and two woodcrete nest boxes suitable for starlings fitted on the retained mature tree
- Details of artificial lighting including security lighting. Note that there should be no light spillage into tree habitats and corridors and lighting should be designed to be minimise impacts on bat foraging habitats.
- A management plan for the species rich grassland (subject to further details and phase 1 habitat map) along the access track to be retained outside of the gardens and managed to retain biodiversity interest.

Thereafter, the development shall be carried out in complete accordance with the biodiversity mitigation and enhancement plan.

Reason: In the interests of promoting biodiversity interest within the site and in accordance with the guidance contained within the National Planning Policy Framework.

16. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (James Royston 131103C MS). These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: In the interests of visual amenity and in accordance with guidance in policies BE1, BE2 and NE9 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

17. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in, the Arboricultural Method Statement, reference (James Royston 131103C MS) was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority
Reason: In the interests of visual amenity and in accordance with guidance in policies BE1, BE2 and NE9 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

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: 0800 7318765) 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: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

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: The Local Planning Authority would be satisfied with 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking).

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	Dwg no. 600	Rev A	22.03.2016
Site layout plan	Dwg no. SK01-14.03.16	Rev D	22.03.2016
External works phase 2	Dwg no 6868/030	Rev D	22.03.2016
Supplementary information: Design and Access Statement			22.03.2016
Supplementary information: Planning Policy and Employment Land Statement			22.03.2016
Supplementary information: Arboricultural method Statement by James Royston	Ref: 131103C MS		27.04.2016
Supplementary information: Ground investigation report by CoDa Structures dated 22.12.2015	Project number 6868 - Revision F		02.06.2016
Supplementary information: Ground investigation report appendix dated 22.12.2015	Project number 6868 - Revision F		02.06.2016
Supplementary information: Electric plug-in point details			02.06.2016

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. Additional information has been received in relation to protected trees; ground investigations; and electric car plug in points.

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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

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://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.

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: 18-Jul-2016

Signed: J. Gedman

Jacqui Gedman
Director of Place

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 2016/60/90956/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