Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2016/60/91309/W

To: Michael Chow,
Jade3 Architecture
Studio 67
Bowers Mill
Branch Road
Halifax
HX4 0AD

For: Mr B Dawett

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 RESIDENTIAL DEVELOPMENT WITH ACCESS POINT FROM LAUND ROAD

At: 2-4, PEAT PONDS, SALENDINE NOOK, HUDDERSFIELD, HD3 3UA

In accordance with the plan(s) and applications submitted to the Council on 25-Apr-2016, subject to the condition(s) specified hereunder:-

1. Approval of the details of the layout, scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development 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 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 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. Details of landscape and layout submitted pursuant to conditions 1 and 2 shall include full details of:
a) the retention of and additional planting to the existing hedge, running parallel to the side and full length of no. 168 Laund Road, as shown on drawing no. 99, part site plan,
b) a phasing plan of a) above,
c) the height, design, siting and materials to be used for the erection of walls/fences, retaining walls and constructional details and facing materials of all proposed boundary treatment, and
d) a scheme to show how the development shall incorporate facilities for recharging electric vehicles

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales which form part of the approved scheme, prior to occupation of the development and retained thereafter.
Reason: In the interests of visual and residential amenity and to promote the use of low carbon forms of transport in the interests of energy conservation and air quality and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and guidance contained in Chapter 4 and Chapter 11 of the National Planning Policy Framework

6. The development shall be served from the point of access onto Laund Road as shown on drawing no. 99 entitled part site plan showing the new vehicular access only from Laund Road.
Reason: In the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

7. Notwithstanding the details shown on drawing no. 99, no development shall take place until details of the junction and associated highway works, between the proposed access road and Laund Road have been submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sight lines together with an appropriate independent road safety audit covering all aspects of the works. The development shall not be brought into use until all the works under the approved scheme have been carried out complete in accordance with the approved scheme/plans.
Reason: In the interest of highway and pedestrian safety and to ensure that new highway structures do not compromise the safety of all those using the proposed access, in accordance with the requirements of Policy T10 of the Kirklees Unitary Development Plan.
This is a pre-commencement condition to ensure that appropriate details of access can be provided without detriment to highway safety on the surrounding highway network for existing and future residents in accordance with guidance in the National Planning Policy Framework.

8. The development shall not be brought into use until sightlines of 2.4 metres x 45 metres from the new access onto Laund Road either side of the site access in which there shall be no obstruction to visibility exceeding 1 metre above the level of the adjacent footway/carriageway have been completed. Thereafter the visibility sight lines shall be retained free of any such obstruction.
Reason: To ensure adequate visibility is achieved at all times, in the interest of highway and pedestrian safety and to ensure that new proposed access point does not compromise the safety of all those using it, in accordance with the requirements of Policy T10 of the Kirklees Unitary Development Plan

9. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision and measures to prevent mud and debris being brought from the site onto the public highway during construction . Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety before construction works commence in accordance with Kirklees Unitary Development Plan Policy T10

10. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing within the development have been submitted to and agreed in writing by the Local Planning Authority. 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 Kirklees Unitary Development Plan, the Council's SPD2 on affordable housing and guidance in the National Planning Practice Guidance which would be a material consideration if the maximum combined gross floorspace of the development exceeds 1000sqm. This is a pre-commencement condition to ensure that the issue is addressed at the appropriate stage in accordance with local and national policy guidance once details with regards to the layout and scale of development have been provided.

11. Development shall not commence until a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water on this development/site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include percolation tests in accordance with BRE Digest 365 along with calculations demonstrating that the designed soakaways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. Where soakaways are proved not to be an effective means of drainage of surface water, an alternative scheme should be submitted for consideration. No dwelling shall be occupied until the works comprising the approved scheme have been completed and thereafter maintained and managed.
Reason: This is a pre-commencement condition to ensure that adequate and suitable drainage is available to serve the development, in the interests of the protection of the natural environment in accordance with guidance in the National Planning Policy Framework.

NOTE: In respect of condition no. 5 the local planning authority would be satisfied with a scheme to provide 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking).

NOTE: Adoption under Section 38 of the Highways Act:
It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 1 , Market Street, Huddersfield (01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

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

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

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

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	103		25th April 2016
Existing site block plan	100		25th April 2016
Part site plan showing new vehicular access from Laund Road (point of access only)	99		13th July 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 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. In this instance the case officer advised the agent to take out all references to nos. of plots/dwellings given the indicative details submitted raised concerns and the only matter for consideration is the point of access.

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 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

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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from 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 so that we can work on continually improving our customer service. Thank you.

Dated: 14-Nov-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 2016/60/91309/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
