



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/91363/W

To: Dan Heneghan,
Farrar Bamforth Associates Ltd
51, Trinity Street
Huddersfield
HD1 4DN

For: John Oates Homes

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:-

ERECTION OF 4 DWELLINGS

At: COACH HOUSE DRIVE, DALTON, HUDDERSFIELD, HD5 8EG

In accordance with the plan(s) and applications submitted to the Council on 18-May-2016, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

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, D2, T10 and T19 of the Kirklees Unitary Development Plan as well as the National Planning Policy Framework.

3. Notwithstanding the submitted details, the external walls of the dwellings hereby approved shall be constructed in Marshall - Cromwell Pitch Faced stone as illustrated on document titled "Materials" submitted to the Local Planning Authority on 18 October 2016.

Reason: In the interests of visual amenity and to accord with Policy BE1 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

4. Notwithstanding the submitted details, the external roof of the dwellings hereby approved shall be constructed in MARLEY MODERN – INTERLOCKING Tiles as illustrated on document titled "Materials" submitted to the Local Planning Authority on 18 October 2016.

Reason: In the interests of visual amenity and to accord with Policy BE1 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

5. The development shall not be brought into use, until the approved vehicle parking areas on the approved plans have been 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 interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to avoid an increase in flood risk and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework.

6. The buildings shall not be occupied until sightlines of 2m x 30m along the site frontage on Greenhead Lane have been cleared of all obstructions to visibility exceeding 1 m in height above the level of the adjacent carriageway and these shall thereafter be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan.

7. Full details of the approved footway/verge crossings shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. The development shall not be brought into use until all footway/verge crossings have been completed in accordance with the approved details.

Reason: To avoid damage to the footway/verge and to provide an adequate means of access to the site in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan.

8. The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement (Ref: 160504) received by the Local Planning Authority on 14 October 2016.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy NE9 of the Kirklees Unitary Development Plan.

9. Prior to the first occupation of the dwellings hereby approved, boundary treatment of the site shall be provided in accordance with details illustrated on approved drawing no. 16/D13/09 and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy BE2 of the Kirklees Unitary Development Plan and advice contained within the National Planning Policy Framework.

10. One bat box, in the form of a Schwegler type 1FR woodcrete bat box or similar, shall be installed on the exterior of each of the approved dwellings before the dwelling to which the box relates is first occupied. The boxes shall be installed on a south facing wall of the dwellings, at least 4 metres above the ground and not located above windows or doors. The boxes shall thereafter be retained.

Reason: In the interests of the biodiversity of the site and to comply with Policy EP11 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

11. One woodcrete or long lasting nest box suitable for starlings or sparrows shall be erected on the exterior of each of the approved dwellings before the dwelling to which the box relates is first occupied. The boxes shall be installed on a north facing wall, at least 3 metres above the ground and not located above windows or doors. The boxes shall thereafter be retained.

Reason: In the interests of the biodiversity of the site and to comply with Policy EP11 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), no buildings or extensions falling within Classes A-E of Part 1, Schedule 2 of the order shall be undertaken without the prior written consent of the local planning authority.

Reason: To prevent overdevelopment of the site, so as not to detract from the amenities of adjoining properties, in the interests of safeguarding the amenities of future occupants of the development hereby approved, in the interests of visual amenity, and the protection of the protected trees and to accord with Policies D2 (criteria ii, v, vi, vii), NE9 and BE2 of the Kirklees Unitary Development Plan and 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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			27/04/2016
Existing Site Survey	16/D13/01		27/04/2016
Site Layout	16/D13/02	Rev L	23/09/2016
Proposed Plans and Elevations	16/D13/08		23/09/2016
Boundary Treatment Plans	16/D13/09		23/09/2016
Trees Survey			19/05/2016
Arboricultural Method Statement			14/10/2016
Proposed Materials			18/10/2016

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.

Through ongoing negotiation with the applicant and the subsequent receipt of amended plan, the case Office has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The originally submitted scheme would have been detrimental visual amenity and resulted in conflict with the mature trees on site; these matters were resolved through the receipt of amended plans and the proposal now complies with Policies BE1, BE2 and NE9 of the Kirklees Unitary Development Plan.

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 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 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 so that we can work on continually improving our customer service. Thank you.

Dated: 20-Oct-2016

Signed: 
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 planning applications and decisions' and by searching for application number 2016/62/91363/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
