



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/92812/W

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

For: Eastwood Homes 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:-

DEMOLITION OF INDUSTRIAL BUILDING AND ERECTION OF 17 NO.
APARTMENTS WITH INTEGRAL GARAGES AND ASSOCIATED PARKING

At: VICTORIA WORKS, FISHER GREEN, HONLEY, HOLMFIRTH, HD9 6DP

**In accordance with the plan(s) and applications submitted to the Council on
19-Aug-2016, 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 51 of the Planning and Compulsory Purchase Act 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, in the interests of visual amenity, highway safety, the amenity of future residents and to accord with Policies D2, BE1, BE2, BE12, T10 and T19 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

3. A materials palette for all external facing materials shall be left on site for inspection and shall be approved in writing by the Local Planning Authority before works to construct the superstructure of the approved apartment block commences. The development shall be completed in accordance with the approved materials and thereafter retained as such.

Reason: In the interests of visual amenity and to accord with Policies BE 1 (ii), BE2 (i) and BE11 of the Kirklees Unitary Development Plan and guidance within the National Planning Policy Framework.

4. Prior to occupation of the hereby approved apartment block, the approved vehicle parking and turning areas as shown on the site layout drawing no. 16/D03/16 shall be laid/marked out and 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 as amended or any successor guidance and made operational. The surfacing material must be of a type which does not carry debris onto the highway. Thereafter the parking and turning areas shall be so retained, free of obstructions and available for the use specified on the approved plans.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to avoid potential flood risk and in accordance with Kirklees Unitary Development Plan Policy T10 and advice in the National Planning Policy Framework.

5. The proposed ground and finished floor levels of the hereby approved apartment block shall be completed in complete accordance with submitted details shown on drawing no. 16/D03/11 Rev C.

Reason: In the interests of visual amenity and to ensure the setting of the nearby listed building is sustained and to accord with Policies D2 and BE2 of the Kirklees Unitary Development Plan and advice in the National Planning Policy Framework.

6. Before works to construct the superstructure of the hereby approved apartment block commences, a scheme detailing:

- the provision of a 2.0m wide footway to the Meltham Road and Fisher Green frontages of the development site, together with
- construction specification, surfacing, drainage and kerbing, including
- the relocation of existing telegraph poles on Meltham Road and Fisher Green, and
- all associated highway works

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details/ scheme prior to the occupation of the approved apartment block and thereafter retained in accordance with the approved details/scheme.

Reason: In the interests of amenity and highway safety and to allow for safe pedestrian access to and from the site in accordance with Kirklees Unitary Development Plan Policy T10 and advice in the National Planning Policy Framework.

7. Bin storage/ collection areas as shown on drawing no. 16/D03/16 Rev C shall be provided prior to occupation of the hereby approved apartment block and thereafter these areas shall be so retained, free of obstructions and available for the use specified on the approved plans.

Reason: In the interests of amenity for the future residents of the apartment block and highway safety in accordance with Kirklees Unitary Development Plan Policy T10 and advice in the National Planning Policy Framework.

8. The development shall not be brought into use until either side of the site access in which there shall be no obstruction to visibility above the level of the adjacent footway/carriageway as indicated on the drawing no. 16/D03/16 Rev C have been completed and thereafter retained in accordance with these details.

Reason: 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. Development shall not commence until actual or potential land contamination at this site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report- either updated or new) has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing and proposed ground conditions for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition no 9. 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: This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing and proposed ground conditions for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 10 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: This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing and proposed ground conditions for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 11. 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 agreed 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 ensure the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan.

13. 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 agreed 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 ensure that the approved remediation measures are completed before the apartment block is occupied in the interests of the health and wellbeing of future residents and in accordance with Policy G6 of the Kirklees Unitary Development Plan.

14. Details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works shall be submitted to and approved by the Local Planning Authority. Unless, otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

15. Before works to construct the superstructure of the hereby approved apartment block commences a scheme detailing separate foul and surface water drainage, (including outfalls, acceptable discharge rate, plans and longitudinal sections including appropriately sized attenuation, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details/scheme prior to occupation of any unit or in accordance with an alternative timescale agreed in writing by the Local Planning Authority and retained as such thereafter.

Reason: In the interests of achieving satisfactory and sustainable drainage of the site. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan and guidance in part 10 of the National Planning Policy Framework.

16. There shall be no new buildings, structures or raised ground levels within 3 metres either side of the centre line of the culverted watercourse within or along the boundary of the site.

Reason: To allow for sufficient access for maintenance and repair work at all times and to retain a healthy water environment in accordance with National Planning Practice Guidance.

17. Prior to occupation of the hereby approved apartment block in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. For units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

NOTE: - ADOPTION UNDER SECTION 38 OF THE HIGHWAYS ACT:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss footway 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 (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 wit

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: 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: 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	OS plan		20/08/16
Topography survey plan	16/D03/15		20/08/16
Proposed elevations	16/D03/11	C	25/11/16
Proposed boundary details	16/D03/18		20/08/16
Proposed site/block plan	16/D03/16	C	26/01/17
Proposed floor plans amended lower & upper ground floor	16/D03/09	B	25/11/16
Proposed amended first floor	16/D03/09	A	25/11/16
Proposed garage floor plan & elevations	16/D03/20		09/02/17
Highway statement	Paragon Highways 091A/July2016		20/08/16
B4 Statement	16/D03		20/08/16
Conservation/ heritage assessment	16/D03		20/08/16
Contamination report (phase 1)	J1967/11.EDS		23/08/16
Design & Access statement	16/D03		20/08/16
Drainage /foul sewerage assessment	16/D03		20/08/16
Asbestos survey report	ALG ProjectsLTD		20/08/16
Planning Policy Statement			20/08/16

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. Revised plans were secured to ensure the visual amenity and the setting of the adjacent listed building is preserved. The decision is based on the amended plans

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.

Further information is also 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://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: 28-Mar-2017

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 2016/62/92812/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
