



**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**

Application Number: 2016/62/93543/E

To: Mark Beevers,
Harron Homes
Colton House
Temple Point
Bullerthorpe Lane
Leeds
LS15 9JL

For: Harron 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: LAND OFF OWL LANE, DEWSBURY, WF12 7RH

**In accordance with the plan(s) and applications submitted to the Council on
19-Oct-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 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 D2, BE1, BE2, BE11, BE12, T10 and T19 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

3. Details of facing bricks and roofing tiles for each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the external walls and roof of the dwelling to which they relate and 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.

4. The boundary treatment shown on drawing no 3591/11 rev N shall be completed before the occupation of the dwellings to which they relate and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

5. 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: To ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 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: To ensure the site is fit to receive the new development and to accord with Policy G6 of the Kirklees Unitary Development Plan.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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 site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

8. 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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

9. Before development commences a sound insulation, glazing and ventilation scheme for all residential properties shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed so that the following internal sound levels are not exceeded:-

- Living Rooms 35dB LAeq_(16hr) 0700 – 2300
- Bedrooms 30dB LAeq_(8hr) 2300 - 0700
- Bedrooms 45dB LA1_(15min) 2300 - 0700
- Bedrooms 55dB LAm_{ax} 2300 - 0700

All the above indoor levels shall be achieved with windows open or closed in properties provided with acoustic ventilation over and above “background” ventilation that is sufficient to achieve summer cooling without the need to open windows.

All works which form part of the final agreed sound insulation, glazing and ventilation scheme:-

- i. shall be completed prior to the occupation of the property and retained thereafter and
- ii. written evidence to demonstrate that the specified noise levels (see noise insulation validation testing below) have been achieved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings.

Reason: In the interests of the residential amenities of future residents, in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

10. Before development commences, a scheme detailing acoustic barriers for the protection of residential plots from noise as shown in the WYG plan “Close Boarded Fence Location Plan” dated 23 July 2014 shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the protected dwelling and shall be retained thereafter.

Reason: In the interests of the residential amenities of future residents in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

11. Before first occupation of the proposed dwellings, screening shall be provided to control the effects of the existing artificial lighting at the adjacent UPS site to the extent that this lighting does not cause a vertical illuminance at the windows of any of the proposed residential premises that exceeds 2 Lux. The screening shall be retained thereafter.

Reason: In the interests of the residential amenities of future residents, in accordance with the guidance contained in Part 8 of the National Planning Policy Framework "Promoting Healthy Communities".

12. Before the occupation of each dwelling a scheme to show how the development shall incorporate facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport".

13. Unless otherwise agreed in writing by the Local Planning Authority, no building or obstruction shall be located over or within 3m either side of the centre line of the sewers which cross the site.

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

14. The site shall be developed with separate systems of foul and surface water on and off the site.

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

15. The site shall be drained in accordance with the following details as previously agreed by this Authority on 8 February 2016:

- 3931-C-D1-06 rev O Engineering layout
- 3931-C-D1-05 rev G Engineering layout
- 3931-C-D1-04 rev A Engineering layout
- 3931-C-D1-03 rev A Engineering Layout
- 3931-C-D1-02 rev A Engineering layout
- 3931-C-D1-01 rev A Engineering Layout
- 3931-C-D9-12 rev A Watercourse control manhole and wing wall construction details.
- 3961-C-D9-13 rev A Sections through Watercourse
- 3961-C-D9-11 rev A Proposed Watercourse Improvement Layout.
- Watercourse Assessment ref 3931/WA dated April 2015

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

16. Unless otherwise agreed 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 and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

17. The development hereby permitted shall be carried out in accordance with the Crime Prevention Measures previously agreed by this Authority on 8 February 2016. The approved details shall be implemented in accordance with an agreed phasing arrangement, and thereafter retained for the lifetime of the development.

Reason: To accord with Policy BE23 of the Kirklees Unitary Development Plan, and the guidance contained in Part 8 of the National Planning Policy Framework "Promoting healthy communities".

18. The development shall be completed in accordance with the following details as conditionally agreed by the Local Planning Authority on 8 February 2016:

- Stage 1 Road Safety Audit reference 8176/AND/001/02 August 2014
- Designers Response to Stage 1 Road safety Audit reference 7452/004/02 August 2014
- Drawing no 7452-003 rev A Proposed Access Arrangement
- 3931-C-D9-05 rev O s278 Right Turn Lane – Road marking
- 3931-C-D3-01 rev O Highway Construction details
- 3931-C-D1-06 rev O Engineering layout
- 3931-C-D1-05 rev G Engineering layout
- 3931-C-D1-04 rev A Engineering layout
- 3931-C-D1-03 rev A Engineering Layout
- 3931-C-D1-02 rev A Engineering layout
- 3931-C-D1-01 rev A Engineering Layout
- 3931-C-D9-06 rev A S278 Right Turn Lane Construction Detail
- 3961-C-D9-05 rev O S278 Right Turn Lane- Road Markings
- 3961-C-D9-04 rev A S278 Right Turn Lane general Arrangement

The approved works shall be implemented before any part of the residential development in phase 2 is occupied.

Reason: In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

19. The development shall be constructed in accordance with the Construction Phase Health & Safety Plan reference HARRON/CDM/14/07 and the Construction Environment Management Plan dated October 2014 as agreed with this Authority on 8th February 2016.

Reason: In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

20. No dwelling shall not be brought into use until all areas indicated to be used for parking have been laid out with a hardened and drained surface 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in Part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

21. Development shall not commence until a scheme detailing the treatment of all surface water flows from parking areas and hard standing areas, through an oil receptor (or a full petrol oil receptor) reed bed or alternative treatment system has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hard standings shall not commence until works for the treatment scheme have been completed. Treatment shall take place prior to the discharge of the treatment scheme. The treatment scheme shall be maintained to ensure the efficient working and used throughout the lifetime of the development. Roof water shall not pass through the interceptor.

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan	027 P 100		20 October 2016
Covering letter	027 Owl lane	14 Oct 2016	20 October 2016
Location Plan	027 P 101		20 October 2016
Birkwith House Type	P.51.00	A	20 October 2016
Windsor House type	P.55.00	B	20 October 2016
Engineering Layout Sheet 2	3931-C-D1-02	F	20 October 2016
Landscape Details	R/1519/12		20 October 2016
Phase 2 Residential Landscape masterplan	R/1519/10		20 October 2016
Whole Site layout plan	3591/11	N	20 October 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.

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. 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 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 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

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://www.gov.uk/planning-inspectorate>. 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: 23-Aug-2017

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

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

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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