



**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: 2017/62/90324/E

To: Michael Coates,
M. J. Coates & Co Ltd
2, Oakhurst Unity Hall Court
Haighmoor Road
West Ardsley
Wakefield
WF3 1ED

For: S Patel, S Patel & Y Jasat

**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 10 SEMI-DETACHED HOUSES

At: LAND AT, WARWICK ROAD, BATLEY, WF17 6AR

**In accordance with the plan(s) and applications submitted to the Council on
06-Mar-2017, 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 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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The dwellings shall be faced in natural stone with slate roof Materials samples of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the superstructure of any dwelling. The development shall be completed in accordance with the approved details and thereafter retained.

Reason: In the interest of visual amenity and to ensure that the materials do not detract from the character of the area and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. 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 development included within Classes A, B, C and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: So as to avoid overdevelopment of each plot and so as not to detract from the amenities of adjoining occupants by reason of loss of privacy or overlooking and to accord with Policy LP24 of the Kirklees Local Plan.

5. All areas of hardsurfacing on the approved site plan, including access and driveways, shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency' 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 or as amended or any successor guidance. These areas shall be thereafter retained with a hardened and drained surface in accordance with the aforementioned guidance.

Reason: In the interests of amenity and mitigate flood risk in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Before development commences, any wall/fences to the site frontage shall be set back to the rear of the proposed 2.4 x 43 m visibility splays as shown on approved plan and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

7. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development and to accord with Policy LP21 of the Kirklees Local Plan.

8. Before development commences details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

9. Before the development is brought into use, the noise mitigation measures, as specified in the Acoustics Report by Paul Horsley Acoustics Ltd Revision 2 dated 21 July 2017 (ref: J2570-R1), as follows:-

- Glazing, providing a minimum sound reduction of Rw 40 dB to all elevations of the development.
- 2 x 15mm sound block plasterboard lining to the ceiling of all rooms on the top floor of all buildings.

Shall be provided. The noise measures so provided shall be retained thereafter.

Reason: This is a pre-commencement condition to ensure that appropriate investigations and assessments are carried out before development commences on site in order to protect the amenity of future occupants and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework.

10. Before the development is brought into use, a detailed specification for an acoustic barrier shall be provided to and approved in writing by the Local Planning Authority. The specification should be based on the barrier detailed in the Acoustics Report by Paul Horsley Acoustics Ltd Revision 2 dated 21 July 2017 (ref: J2570-R1). The approved acoustic barrier shall be provided before the development is brought into use and retained thereafter.

Reason: This is a pre-commencement condition to ensure that appropriate investigations and assessments are carried out before development commences on site in order to protect the amenity of future occupants and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework.

11. Before the development is brought into use, a detailed ventilation scheme for the dwellings shall be provided to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide a detailed specification of a ventilation system that shall be sufficient to provide thermal comfort inside the dwellings without the need to open windows and also shall not reduce the acoustic properties of the building. The approved ventilation scheme shall be implemented before the development is brought into use and retained thereafter.

Reason: This is a pre-commencement condition to ensure that appropriate ventilation can be incorporated into the dwellings whilst protecting the amenity of future occupants and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework.

12. Prior to occupation of each dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

13. No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed ecological works.
- b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e. Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of the biodiversity of the area and to accord with Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

14. Details of proposed and existing ground and finished floor levels, that will include sectional drawings, from an identified datum point shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in full in accordance with the approved plans.

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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

15. Prior to construction of the superstructure of the dwellings hereby approved, a scheme detailing the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme has been completed and thereafter shall be retained for the lifetime of the development.

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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To ensure the effective disposal of drainage from the development and to accord with Chapter 14 of the National Planning Policy Framework.

17. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, 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 the effective disposal of surface water from the development and to accord with Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition as effective drainage is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

18. 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 LPA. 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, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure that construction can be carried out in a safe and manageable way and to prevent highway conflict and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition as access is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

19. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all new retaining walls/ building walls adjacent to the proposed adoptable/ existing highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition as access is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

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 without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Planning layout – full project layout	MJC - 261 - HS04C		9th December 2020
Floor plans for house types H2	MJC - 261 - HS12A		9th December 2020
Typical sections SS1 to SS4	MJC - 261 - HS10A		9th December 2020
Typical sections Warwick Road and Access Road Centre Line	MJC - 261 - HS09		28th November 2018
General Arrangement & sections	MJC - 261 - HS08A		9th December 2020
Planning layout (Plots 8 – 17) Section B layout plan.	MJC - 261 - HS06A		9th December 2020
Location Plan	MJC - 261 - HS02		28th November 2018
Proposed long section and plan	MJC - 261 - S05A		26th July 2017
Appendix D Drainage			1st February 2017
Appendix A levels			1st February 2017
Preliminary Ecological Assessment	RDF Ecology		7th August 2017

Plan Type	Reference	Version	Date Received
Acoustic Report	Paul Horsley Acoustics Ltd		31st July 2017
Planning Justification Statement	TJ Cotes Ltd		6th February 2017
Design & Access Statement	TJ Cotes Ltd		1st February 2017
Flood Risk Assessment	EWE Associates		1st February 2017
Walkover Study and Desk Study	Sub Surface North East Limited		1st February 2017
Desk Study	Sub Surface North East Limited		1st February 2017
Site investigation	Sub Surface North East Limited		1st February 2017
Walkover Survey Plan	Sub Surface North East Limited		1st February 2017
Historical Map Pack Small	GroundSure		1st February 2017
Historical Map Pack Large	GroundSure		1st February 2017
Geo Insight	GroundSure		1st February 2017
Enviro Insight	GroundSure		1st February 2017

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. Revisions were sought during the course of the application to address officer concerns. Further, the applicants were required to enter into a s106 to deliver the provision of affordable housing and public open space.

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 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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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: 10-Dec-2020

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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:

dc.admin@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
