



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2017/70/91310/W**

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**To:** Ross Simpson  
NW Architects  
27 York Place  
Leeds  
LS1 2EY

**For:** W Ahmed

**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:-**

VARIATION OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION  
2016/94309 FOR ERECTION OF ONE DWELLING AND ASSOCIATED  
LANDSCAPING

**At:** LAND TO REAR OF 52 AND 54, MOUNTJOY ROAD, EDGERTON,  
HUDDERSFIELD, HD1 5QQ

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**In accordance with the plan(s) and applications submitted to the Council on 13-Apr-2017 [together with those plans and application(s) submitted to the Council on 22-Dec-2016 and incorporated into planning permission ref no. 2016/62/94309W granted on 04-Apr-2017] and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun no later than 4th April 2020.

**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, BE5, T10 and T19 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

3. The dwelling hereby approved shall be faced using regular coursed 'darken and tumbled' natural stone from Johnsons Crosland Moor quarry and roofed with 'Marley Modern' grey concrete roof tiles in accordance with the detail submitted on 20th July 2017.

**Reason:** In the interests of visual amenity and so as to protect the character and setting of the adjacent Conservation Area in accordance with Policies BE1, BE2, and BE5 of the Kirklees Unitary Development Plan as well as the aims of Chapters 7, 11 and 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 adjacent properties, and so as to avoid a loss of off road car parking in the interests of highway safety and to accord with Policies D2, BE2 and T10 of the Kirklees Unitary Development Plan and policies within the National Planning Policy Framework.

5. The hereby approved development shall be completed in accordance with the finished floor and ground levels as shown on drawing no. 14036-P30 rev F.

**Reason:** In the interests of visual amenity and to ensure the residential amenities of neighbouring sites is not compromised and to accord with Policies D2, BE2 and BE5, of the Kirklees Unitary Development Plan.

6. The development shall not be brought into use until all areas indicated to be used for access, parking, and turning on the approved plans 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) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the uses specified.

**Reason:** In the interests of visual amenity and to ensure adequate space within the site for vehicle movements and parking, in the interest of adequate drainage of the site, and in accordance with Policies BE1, BE2, and T10 of the Kirklees Unitary Development Plan as well as the National Planning Policy Framework.

7. Notwithstanding the approved plans, and prior to the occupation of the dwelling hereby approved, a scheme detailing the hard boundary treatment of the whole site, which shall not exceed 1.8 metres in height, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the works comprising the approved scheme have been completed and thereafter retained.

**Reason:** In the interests of visual and residential amenity, to ensure that suitable boundary treatment is in place to protect the amenities of existing occupiers and future occupiers in advance of the soft landscape proposals becoming established and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and guidance contained in Chapter 11 of the National Planning Policy Framework.

8. Prior to the occupation of the dwelling hereby approved a phasing plan for the hereby approved landscape proposals and biodiversity mitigation/enhancement measures as shown on drawing no. 14036-P30 rev F. shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan. The approved landscaping proposals shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

**Reason:** In the interests of visual amenity and to promote biodiversity and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and guidance contained in Chapter 11 of the National Planning Policy Framework.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 approved in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** So as to safeguard the amenity of future occupants of the development from the potential risk of land contamination in accordance with Policy G6 of the Kirklees Unitary Development Plan as well as the aims of Chapter 11 of the National Planning Policy Framework.

10. The hereby approved development shall be carried out in complete accordance with the recommendations set out in Section 8 of the accompanying Phase 2: Ground Investigation Report ref: project no. 17- 125, dated 31st March 2017.

**Reasons:** To ensure the health and safety of future occupants of the site is not put at unacceptable risk from historic coal workings beneath the site and to accord with Policies D2 and G6 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

11. Prior to occupation of the hereby approved dwelling an electric vehicle recharging point shall be installed in the integral garage. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle recharging point shall be retained.

**Reason:** To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport", guidance in the West Yorkshire Low Emissions Strategy and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework

**NOTE:** The removal of vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged

**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 may apply to the land forming part of this planning application. It is the responsibility of the applicant/developer to ensure that all appropriate consents are in place prior to any development commencing.

**NOTE:** Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

[www.communities.gov.uk/publications/planningandbuildingcontrol/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuildingcontrol/pavingfrontgardens)

**NOTE:** To minimise noise disturbance at the 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 Monday to Friday

08.00 and 13.00 hours on 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 the works may be carried out.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed site & landscape plan	14036 – P30	F	20/07/17
Proposed ground floor plan	14036 – P31	J	04/05/17
Proposed 1st floor plan	14036 – P32	G	04/05/17
Proposed elevations (front & side)	14036 – P33	G	04/05/17
Proposed 2nd floor plan	14036 – P34	G	04/05/17
Proposed elevations (rear & side)	14036 – P35	E	04/05/17
Proposed roof plan	14036 – P36	F	04/05/17
Phase 2: Ground Investigation Report ref: project no. 17- 125, dated 31st March 2017.	Report ref: project no. 17- 125, dated 31st March 2017		20/07/27
Photo details of natural stone			20/07/17
Details of roof materials			20/07/27
Schedule of materials			20/07/17

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. Following the receipt of details as previously approved under conditions the revised plans are considered acceptable.

**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.**

## **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](http://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](http://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 refuse permission for the proposed development or 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://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 24-Jul-2017

Signed:



**Naz Parkar**  
Strategic Director Economy and Infrastructure

## 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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2017/70/91310/W .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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