



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92175/E

To: Juan Torres,
Barnes Homes
Unit 9
Victoria Spring
Wakefield Road
Heckmondwike
WF15 6BU

For: JUAN TORRES, BARNES 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 DETACHED DWELLINGS

At: 1060, HALIFAX ROAD, HARTSHEAD MOOR, CLECKHEATON, BD19 6PE

**In accordance with the plan(s) and applications submitted to the Council on
15-Aug-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 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 and T10 of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before work commences on the superstructure of the dwellings. The development shall then be completed using the approved materials.

Reason: In the interests of visual amenity and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan and guidance in chapter 7 of the National Planning Policy Framework.

4. Development shall not commence until the means of protecting the public water supply infrastructure that is laid within the site boundary during the construction and operational phases of the development has been submitted to and approved by the Local Planning Authority. Construction in the relevant area(s) of the site shall not commence until the approved measures have been fully implemented.

Reason: In order to protect the public water supply and to accord with Policy D2 of the Kirklees Unitary Development Plan. This is a pre-commencement condition to ensure that the measures to protect the public water supply are incorporated into the development at the appropriate stage.

5. Notwithstanding the submitted plans, development shall not commence until a scheme demonstrating an adequately designed soak-away for an effective means of drainage of surface water on this development/site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include percolation tests in accordance with BRE Digest 365 along with calculations demonstrating that the designed soak-aways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. Where it is demonstrated that soak-aways are not an effective means of draining surface water an alternative scheme should be submitted for consideration. No part of the development shall be brought into use (dwelling shall not be occupied) until the works comprising the approved scheme have been completed and retained thereafter.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system and to accord with policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that the approved scheme is implemented at the appropriate stage of the development.

6. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved first comes into use. These shall be designed so as not to impede the free movement of hedgehogs. The approved boundary treatments shall then be implemented before the development hereby approved first comes into use and retained thereafter.

Reason: In the interests of visual and residential amenity, as well as in the interest of enhancing the biodiversity of the site, in accordance with Policies D2, BE1, BE2 and BE12 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

7. The development shall not be occupied until the 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) Order 2015 (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the uses specified on the submitted plans thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and to ensure that the site is appropriately drained, in accordance with Policy T10 of the Kirklees Unitary Development Plan as well as the aims of chapter 10 of the National Planning Policy Framework.

8. 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: To ensure that the development is safely completed in accordance with the requirements of Policies G6 and BE1 of the Kirklees Unitary Development Plan and guidance given chapter 11 of the National Planning Policy Framework.

9. No development shall take place on the superstructure of the dwellings until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include details of the following:-

- a) Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bird boxes to be installed integral to all new dwellings.
- b) 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.

The EDS shall be implemented in accordance with the approved details within a timescale to be agreed with the Local Planning Authority and all features shall be retained in that manner thereafter.

Reason: In order to enhance the biodiversity of the site and to accord with the aims of chapter 11 of the National Planning Policy Framework.

10. Notwithstanding the submitted plans and information, secure cycle parking shall be provided within the development at the rate of one space per dwelling. The spaces shall be provided before the development is first brought into use and retained thereafter.

Reason: In the interest of encouraging the use of alternative means of transport and improving the local air quality and to accord with national policy in chapter 4 of the National Planning Policy Framework.

11. Prior to occupation of the dwellings, electric vehicle recharging points shall be installed in the positions indicated on approved plan HMT-01 and retained thereafter. 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.

Reason: In the interest of improving the local air quality and promoting ultra-low emission vehicles and to accord with national policy in chapter 4 of the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual and residential amenity, and so as to ensure that the application site does not become overdeveloped, to accord with Policies D2, BE1, BE2, and BE12 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

13. The windows in the west and east (side) elevations of plots 1 to 4 inclusive as shown on drawing number HMT-01 shall be obscurely glazed to a minimum of level 4 obscurity on first instalment and before the dwellings are first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), such glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of occupants of nearby properties as a result of loss of privacy and to accord with Policies D2, BE1 and BE12 of the Kirklees Unitary Development Plan

14. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the east and west elevations of the dwellings.

Reason: To safeguard the amenities of nearby residents from overlooking and a loss of privacy and to accord with Policies BE1 and BE12 of the Kirklees Unitary Development Plan.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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.

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 13.00 hours 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 specification schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1/1250	1	23/06/17
Site plan and block plan	HMT -01	1	23/06/17
Design and Access Statement		1	23/06/17
Environmental Impact Assessment	Ecus Ltd.	Final	23/06/17
Phase 1 contaminated land report	Soil Environmental Services Ltd. Ref: SES/BH/HR/1#1	1	23/06/17
Proposed roof plan	HMT-02	1	23/06/17
Proposed drainage	HMT-03	1	23/06/17
Plot 1	HMT-11	1	23/06/17
Plot 2	HMT-12	1	23/06/17
Plot 3	HMT-13	1	23/06/17
Plot 4	HMT-14	1	23/06/17

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application. Discussions took place with the agent regarding the ownership of the access and the correct certificates were submitted.

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://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: 03-Oct-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, and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/92175/E .

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
