**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2017/62/92271/E**

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**To:** Jim Granger,
jg-d
The Studio
Stepaside
Coal Pit Lane
Brighouse
HD6 4HW

**For:** Simon Couldwell, Brown and Couldwell Ltd

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

ERECTION OF 6 NO. DWELLINGS WITH ASSOCIATED ROADWAY AND PARKING, DEMOLITION OF EXISTING BUNGALOW

**At:** 151 , HECKMONDWIKE ROAD, DEWSBURY MOOR, DEWSBURY, WF13 3NS

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**In accordance with the plan(s) and applications submitted to the Council on 30-Jun-2017, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
**Reason**: Pursuant to the requirements of Section 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 BE1, BE2, and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22, and PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking, access, and turning areas, shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's ' Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
**Reason**: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan and Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

4. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 2.0m wide footway to the Heckmondwike Road frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph pole and street lighting column no. 51 and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained.
**Reason:** In the interest of pedestrian and highway safety in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan and Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan. This is a pre-commencement condition in order to ensure that acceptable details for the provision of the footway are agreed and incorporated into the development at the appropriate stage.

5. The maximum gradient of the access road to the car park shall not exceed 1:13 as shown in Dwg Title (16449)5_Elevations.
**Reason**: In the interests of highway safety and to achieve a satisfactory layout and to comply with Policies D2 and T10 of the Kirklees Unitary Development Plan and Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

6. Prior to occupation of the dwellings, an electric vehicle recharging point shall be installed in each building. 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.

7. Details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any of the dwelling houses. The development shall be completed in accordance with the approved details.
**Reason**: To ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of chapter 7 of the National Planning Policy Framework.

8. 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**: In the interests of visual and residential amenity and to accord with Policies BE1 and BE12 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and chapter 7 of the National Planning Policy Framework.

9. A scheme of intrusive site investigation works shall be submitted to and approved in writing by the Local Planning Authority before development commences.
**Reason**: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

10. A report of findings arising from the intrusive site investigation (including gas monitoring results) shall be submitted to and approved in writing by the Local Planning Authority before development commences.
**Reason**: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

11. A Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before development commences. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
**Reason**: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Coal Mining 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. 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework.

13. Within 6 months of the commencement of development on site, an Ecological Design Strategy (EDS) addressing mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following: a) Detailed design(s) and/or working method(s) to achieve stated objectives. b) Extent and location/area of proposed works on appropriate scale maps and plans. c) Type and source of materials to be used where appropriate, e.g. native species of local provenance. d) Persons responsible for implementing the works. e) Details of initial aftercare and long-term maintenance. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
**Reason**: To ensure that adequate ecological mitigation and enhancement measures are incorporated into the development at an appropriate stage in the interests of the biodiversity of the area and to accord with chapter 11 of the National Planning Policy Framework.

14. Before development commences the applicant shall provide the Local Planning Authority with details on the following:
• The type and specification (including Rw value) of the glazing to be installed
• The type and specification of the ventilation system that will be fitted so that ventilation without opening the windows is possible
• The design and specification of the acoustic barriers associated with the external areas
Following completion of any measures identified above or any approved revisions, a Validation Report shall be submitted to the Local Planning Authority for approval in writing.
**Reason**: To ensure adequate protection of residential amenity of future occupants and to comply with Policies D2 and EP4 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

15. Before development commences details of the retaining structure for the boundary to the rear of number 143 Heckmondwike Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.
**Reason:** To ensure the development deals with matters of land stability in addition to visual amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of National Planning Policy Framework.

16. Details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of any of the dwelling houses hereby approved. The development shall be completed in accordance with the approved details before any dwelling is first brought into use and thereafter retained.
**Reason**: To ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of chapter 7 of the National Planning Policy Framework.

**NOTE:** All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

**NOTE:** 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** |
|---|---|---|---|
| Location Plan | (16449)0 | | 30th June 2017 |
| Site Plan | (16449)1 | REV B | 17th October 2017 |
| Swept Paths Analysis | 1617101 | | 17th October 2017 |
| Elevations | (16449)6 | REV A | 1st August 2017 |
| Site sections | (16449)5 | REV B | 1st August 2017 |
| First Floor plan | (16449)4 | REV A | 1st August 2017 |
| Ground floor plan | (16449)3 | REV A | 1st August 2017 |
| Lower ground floor plan | (16449)2 | REV B | 1st August 2017 |
| Dwelling plans | (16449)7 | | 30th June 2017 |
| Acoustic report | Pha J2606-R2 | | 30th June 2017 |
| Report in support | June 2017 | | 30th June 2017 |
| Transport statement | 17 June 2017 | | 30th June 2017 |
| Coal mining risk assessment | April 2017 | | 30th June 2017 |
| Groundsure documents | Demeter Environmental | | 30th June 2017 |
| Groundsure historical map pack legend | Demeter Environmental | | 30th June 2017 |
| Phase I Desk Study | April 2017 | | 30th June 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. Revised plans were requested and subsequently submitted during the course of the application to address concerns relating to access.

**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 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:** 22-Dec-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 2017/62/92271/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.

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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

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