



**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: 2017/62/92997/E

To: Laura Mepham,
John R Paley Associates
14, Mariner Court
Calder Park
Wakefield
WF4 3FL

For: Darren Smith 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 70 (OVER 55) RETIREMENT APARTMENTS COMPRISING OF
FOUR BLOCKS, PROVISION OF A COMMUNITY BUILDING, ELECTRICITY
SUBSTATION AND LAYING OUT OF INTERNAL ROADS, PARKING AREAS
AND GREENSPACE AND ASSOCIATED INFRASTRUCTURE

At: LIDL, STATION ROAD, MIRFIELD, WF14 8LL

**In accordance with the plan(s) and applications submitted to the Council on
22-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, as amended by the Planning and Compulsory Purchase Act 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 BE1 good quality design, BE2, BE12 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. Notwithstanding the submitted plans and information, works involving the erection of any of the buildings hereby approved shall not commence until samples of the materials to be used in the construction of the external walls and surfacing materials for all footpaths, roads and external areas of the development has been submitted to and approved in writing by the Local Planning Authority. The materials shall match the adjacent canal side development.

Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

4. No development approved by this permission shall be commenced until a scheme, including design calculations and construction details, for the disposal of surface water which shall include the provision and implementation of a surface water regulation system and storage facility, has been approved and implemented to the satisfaction of the Local Planning Authority in accordance with the details and timetable agreed. The works approved by this condition shall be completed by prior to the occupation of any dwelling.

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Policy PLP28 of the Kirklees Publication Draft Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition as drainage works are likely to be required prior to any substantial works taking place to erect the dwellings on site.

5. Landscaping of the site shall be carried out in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall thereafter be fully implemented within 12 months starting from the occupation of any plot within the development. The approved landscaping scheme 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: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity, in accordance with Policy EP11 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as with Chapters 12 and 15 of the National Planning Policy Framework.

6. Prior to occupation of any dwelling, a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be fully installed prior to the occupation of any dwelling. The lighting shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the biodiversity of the area and to accord with Policy PLP30 of the Kirklees Publication Draft Local Plan as well as with Chapter 15 of the National Planning Policy Framework.

7. Prior to the erection of any building hereby approved, a canal wall stability risk assessment report detailing measures to ensure the canal wash wall adjacent to the site is sufficiently stable and suitably retained shall be submitted to and approved by the Local Planning Authority. The canal wall stability risk assessment report shall set out:

- an understanding of the factors influencing stability;
- an assessment of whether or not the site is likely to be threatened or affected by reasonably foreseeable bank instability originating from the bank adjacent to the site;
- an assessment of whether or not the proposed development is likely to result in canal wash wall instability and the extent to which it will affect either the development or nearby property; and
- proposed mitigation measures.

The approved scheme shall be implemented in full prior to the occupation of any building.

Reason: In order to ensure that the development and surrounding land does not result in an unacceptable risk from land instability, in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure 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 paragraph 170 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.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure 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 paragraph 170 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. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To ensure 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 paragraph 170 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. No development shall take place until a Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following:

- (i) hours for site preparation, delivery of materials and construction;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for managing and the recycling/disposing of waste resulting from construction works.
- (ix) location of any portable cabin structures

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In the interests of the amenity of the locality and in accordance with Chapter 15 of the National Planning Policy Framework.

Reason for pre-commencement: Construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

12. Prior to the occupation of any dwelling, full details of all proposed external balconies and roof terrace screening including height, materials and colour of screening, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be implemented in full prior to the occupation of any dwelling within which the screening is located.

Reason: In the interests of the residential amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

13. Prior to any works to construct the superstructure of any building hereby approved, a noise report shall be submitted to and approved in writing by the Local Planning Authority. The noise report shall identify all sources of noise in the locality including noise from deliveries at the local supermarket and local bottle bank and the nearby railway line. The report shall identify appropriate mitigation measure to attenuate unacceptable noise. The development shall be carried out in full accordance with the agreed mitigation measures and implemented prior to the occupation of any dwelling.

Reason: In the interests of the residential amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

14. Prior to the commencement of development, the finished ground floor levels of the buildings hereby approved in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To avoid unacceptable adverse impacts to adjacent land/property, so as to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the guidance contained within paragraph 127 of the National Planning Policy Framework.

Reason for pre-commencement: Agreed levels are required prior to any significant building works taking place on site.

15. Prior to the occupation of any dwelling, a detailed scheme for the provision of a pedestrian access through the public car park to the north of the site with associated signing, lighting and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing and surface finishes. All of the agreed works shall be implemented before any part of the development is first brought into use and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

16. Before any building is occupied turning facilities shall be provided in accordance with the details shown on drawing no P16:4981:06. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

17. Prior to the development being brought into use, 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 highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 6m from the carriageway edge of station Road and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

19. Prior to the occupation of any dwelling, the amenity garden space approved by planning permission 2015/93074 (plan ref:- P07-3777-550) shall have been implemented and completed in full.

Reason: Part of the amenity space proposed comprises the area of land referenced in planning permission 2015/93074 which was submitted by the same applicant as this permission. The condition is required in the interests of the amenity of future occupiers and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

20. The development hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.

Reason: The proposed development involves age-restricted accommodation and therefore, no mitigation towards education was required in accordance with Policy PLP4 of the Kirklees Publication Draft Local Plan. In addition, the parking standards are based on the age-restricted nature of the development in accordance with Policy T10 of the Kirklees Unitary Development Plan.

21. Prior to occupation of the building details of electric vehicle recharging points to be installed including details of the locations shall be submitted to and approved in writing by the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicles charging points approved shall be installed prior to the occupation of the building and thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with paragraph 110 of the National Planning Policy Framework.

22. Prior to the occupation of any dwelling a scheme detailing the boundary treatment of the all 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 have been completed and thereafter retained for the lifetime of the development.

Reason: In the interests of the amenity of the nearest occupiers and in the interest of good design, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

23. A scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of any of the dwellings hereby approved. Thereafter planning permission shall be implemented in accordance with the approved details and implemented in full prior to the occupation of any dwelling.

Reason: To create a safe and accessible environment where crime and disorder, including the fear of crime, do not undermine the quality of life of residents, or community cohesion, in accordance with Policy BE1(iii) of the Kirklees Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

24. No part of the development shall be brought into use until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets and a timescale for measures to be fully implemented.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 of the Kirklees Unitary Development Plan, in addition to the guidance of Policy T10 of the Kirklees Unitary Development Plan and paragraph 111 of the National Planning Policy Framework.

25. No building or other obstruction including landscape features (excluding grass) shall be located over or within 3 (three) metres either side of the centre line of the sewer i.e. a protected strip width of 6 (six) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: To comply with paragraph 72 of the National Planning Policy Framework in ensuring the maintenance of essential infrastructure.

26. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated July 2017, reference E17/6788/FR01 by Haigh Huddleston and Associates, and the following mitigation measure detailed within the FRA:

- There shall be no residential areas on the ground floor apart from that shown in 'Block A' on plan ref - P16-4981-21.

- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraph 163 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: 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, and 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 work may be carried out.

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.

NOTE: To discuss any road adoption arrangements under Section 38 of the Highways Act 1980, please contact the Highway Development, Investment & Regeneration service, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or Highways Section38@kirklees.gov.uk).

NOTE: Attenuation structures with a span 1500mm or greater under the highway are likely to result in a rejection to sign a Section 38 agreement for Kirklees Council to adopt said highway. Space for water outside the highway will need to be considered prior to the submission of a reserved matters application. For further information please contact Farhad Khatibi, Structures, 01484 221000.

NOTE: The LPA has an obligation under House of Commons Written Statement (HCWS161) to ensure the maintenance and management of sustainable drainage systems for the lifetime of the development. In order to enforce this obligation, a Section 106 agreement/undertaking to set up a management company to carry out specific maintenance tasks at appropriate intervals and inspect the integrity of the system, repairing and renewing when appropriate is required until such a time as the surface water infrastructure is adopted by Kirklees Council (Highway Drainage elements) and/or Yorkshire Water (surface water sewerage elements).

Schedule of Plans and Documents:

Plan/Document	Reference	Revision	Date Received
Section 106 Agreement		1st November 2018	9/11/2018
Design and Access Statement		August 2017	5/9/2017
Flood Risk Assessment	E17/6788/FR01	July 2017	30/8/2017
Noise Assessment		June 2017	30/8/2017
Transport Assessment	1246	July 2017	30/8/2017
Travel Plan	1246	June 2017	30/8/2017
Grounds Investigation	7880	3/11/1994	30/8/2017
Planning Statement	16:4981/LM	August 2017	30/8/2017
Development Appraisal		18/12/2017	19/12/2017
Development Appraisal		June 2017	18/12/2017
Towpath Improvement Costings			18/12/2017
Tow Path Proposals	P16:4981:101	29/8/2018	7/12/2018
Proposals Ramp	E17/6788/020b	February 2018	7/12/2018
Location Plan	P16:4981:02	14/8/2017	30/8/2017
Apartment Block B South Elevation	P16:4981:14 A	July 2017	29/11/2017
Apartment Block C Fourth Floor Layout	P16:4981:35 B	June 2017	28/11/2017
Apartment Block C North Elevation	P16:4981:39 B	June 2017	28/11/2017
Huddersfield Road, Illustrative Streetscene Elevation	16:4981:07	November 2017	28/11/2017
Apartment Block C First Floor Layout	P16:4981:32 B	June 2017	28/11/2017
Apartment Block C Second Floor Layout	P16:4981:33 B	June 2017	28/11/2017
Apartment Block C Third Floor Layout	P16:4981:34 B	June 2017	28/11/2017

Plan/Document	Reference	Revision	Date Received
Apartment Block B Ground Floor Plan	P16:4981:11 B	July 2017	28/11/2017
Apartment Block C Ground Floor Layout	P16:4981:31 B	June 2017	28/11/2017
Apartment Block D Ground Floor Layout	P16:4981:41 B	July 2017	28/11/2017
Apartment Block C West Elevation	P16:4981:37 A	June 2017	22/11/2017
Apartment Block D Third Floor Layout	P16:4981:43 A	July 2017	22/11/2017
Proposed Planning Layout	P16:4981:01 A	April 2017	22/11/2017
Proposed Planning Layout	P16:4981:01 A	April 2017	22/11/2017
Parking Layout Plan	P16:4981:06 A	14/8/17	22/11/2017
Apartment Block B Fourth Floor Plan	P16:4981:13 A	July 2017	22/11/2017
Apartment Block B First/Second/Third Floor Plan	P16:4981:12 A	July 2017	22/11/2017
Apartment Block 'C' Roof Plan	P16:4981:40 A	12/7/2017	22/11/2017
Apartment Block B Roof Plan	P16:4981:17 A	12/7/2017	22/11/2017
Apartment Block A Floor Plans	P16:4981:21	July 2017	22/11/2017
Apartment Block 'A' Roof Plan	P16:4981:23	12/7/17	22/11/2017
Apartment Block D First & Second Floor Layout	P16:4981:42 A	July 2017	22/11/2017
Apartment Block A Elevations	P16:4981:22	July 17	22/11/2017
Apartment Block C East Elevation	P16:4981:38 A	June 2017	22/11/2017
Apartment Block B East & West Elevations	P16:4981:15 A	July 2017	22/11/2017
Streetscene Elevations	P16:4981:05 B	August 2017	22/11/2017

Plan/Document	Reference	Revision	Date Received
Apartment Block B North Elevation	P16:4981:16 A	July 2017	22/11/2017
Apartment Block C South Elevation	P16:4981:36 A	June 2017	22/11/2017
Site Sections	P16:4981:04 A	August 2017	22/11/2017
Apartment Block D East & West Elevations	P16:4981:46 A	July 2017	22/11/2017
Apartment Block 'D' Roof Plan	P16:4981:48	12/7/17	22/11/2017
Apartment Block D South Elevation	P16:4981:45 B	July 2017	22/11/2017
Apartment Block D North Elevation	P16:4981:47 A	July 2017	22/11/2017

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer has undertaken negotiations with the applicant to agree a section 106 agreement and the conditions outlined in this report. Agreed necessary works to the canal were to be secured by planning condition but were instead carried out. Subsequently, officers have considered the information submitted by the applicant, including Tow Path Improvement Costings and Tow Path Proposals Plan (Reference P16:4981:101) and are satisfied in terms of materials used and accessibility achieved, as such no condition is proposed. The Canal and Rivers Trust are also satisfied with the works.

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

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: 14-Feb-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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