



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/91150/E

To: James Roberts,
JR Planning
34, The Quadrant
Totley
Sheffield
S17 4DB

For: Mr Earnshaw

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 3 DWELLINGS

At: GREEN LANE MOTORS, 14 , WORMALD STREET, MILLBRIDGE,
LIVERSEDGE, WF15 6BE

In accordance with the plan(s) and applications submitted to the Council on 18-Apr-2018, 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 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 BE1 and BE2 of the Kirklees Unitary Development Plan.

3. Notwithstanding submitted information, before development commences on the superstructure of the dwellings hereby approved, samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure that the proposed development safeguards visual amenity and accords with Policies D2 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

4. Prior to occupation of the dwellings an electric vehicle recharging point shall be installed for each of the dwellings. 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.

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.

5. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated 16/03/2018 produced by ENS :-

- I. Shall be completed; and
- II. Written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policy EP4 of the Kirklees Unitary Development Plan and Policy PLP52 of the Kirklees Publication Draft Local Plan.

6. Before development commences, a ventilation scheme to show how habitable rooms facing on to Wormald Street shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policy EP4 of the Kirklees Unitary Development Plan and Policy PLP52 of the Kirklees Publication Draft Local Plan.

7. Development shall not commence until a Phase II Intrusive Site Investigation Report to establish the exact situation regarding coal mining legacy issues on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Publication Draft Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

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. 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 unacceptable risks to human health and the environment from a coal mining features and hazards have been appropriately remediated in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

11. The dwellings hereby approved shall not be occupied until the windows in the side elevations have been obscurely glazed (minimum obscurity level 5). 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) this obscure glazing shall be thereafter retained.

Reason: In the interests of residential amenity in order to ensure that the amenity of the occupants of neighbouring properties is preserved in accordance with Policy D2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

12. All areas to be used for parking and turning shall be 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 before the dwelling is first occupied. Thereafter these areas shall be retained free of any obstruction.

Reason: To ensure adequate space within the site for vehicle movements and parking, to reduce flood risk and to accord with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and guidance in Chapter 14 of the National Planning Policy Framework.

13. Notwithstanding the submitted plans and information, a scheme detailing boundary treatment throughout the application site shall be submitted and approved in writing before the dwellings are first occupied. The development shall then be carried out in accordance with this approved information.

Reason: In order to ensure that an acceptable boundary treatment scheme throughout the site in the interests of visual amenity, residential amenity and highway safety in accordance with Policies D2, BE1, BE2 and T10 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

14. The dwellings shall not be occupied until a scheme detailing arrangements and specification for layout of bin collection storage points have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: In order to ensure a suitable access and layout is achieved on the site in the interests of highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

15. The dwellings hereby approved shall not be occupied until the visibility splays shown on the plan entitled 'Visibility Splays' (ref: 1419 01) have been provided. These visibility splays shall be thereafter retained free of any obstruction above 0.9m.

Reason: In the interests of ensuring adequate visibility and highway safety in order to accord with Policies T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

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:

Monday – Friday: 07.30 and 18.30 hours

Saturday: 08.00 and 13.00hours

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 Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2050 OS	-	18th April 2018
Proposed Block Plan	2050 2	-	18th April 2018
Proposed Block Plan showing sight lines	1419 01	-	31st July 2018
Proposed Plans and Elevations	2050 1	C	1st November 2018
Proposed Elevations with levels details (including FFLs)	2050 3	-	1st November 2018
Planning Statement prepared by JR Planning Consultants	-	-	18th April 2018
Phase I Desk Study Report prepared by RB Geotechnical dated December 2017	RBG051 001	-	18th April 2018
Noise Impact Assessment prepared by ENS Environmental Noise Solutions Limited dated 16th March 2018	NIA/7748/18/7575/v6	-	18th April 2018
Highways Statement prepared by Paragon Highways dated January 2018	1419	-	18th April 2018

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. The Case Officer entered into discussions with the agent in relation to various aspects of the scheme as detailed in the officer report. The decision is based on the amended plans and the conditions listed above.

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: 14-Nov-2018

Signed:



**Karl Battersby
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 2018/62/91150/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
