



**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: 2018/62/91490/E

To: Damian Hartley
Clough Mill
Bradford Road
Gomersal
BD19 4AZ

For: Mr Creegan

**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:-**

DEMOLITION OF NURSING HOME AND ERECTION OF 8 DETACHED
DWELLINGS WITH ASSOCIATED LANDSCAPING, BOUNDARY TREATMENT
AND VEHICULAR ACCESS

At: HOLME HOUSE CARE HOME, OXFORD ROAD, GOMERSAL, CLECKHEATON,
BD19 4LA

**In accordance with the plan(s) and applications submitted to the Council on
04-May-2018, 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, BE5, BE11, BE12, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan and guidance given in 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 development commences on the superstructure of any dwelling hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as aims of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of any dwelling hereby approved, full details of all boundary treatments, including their height and material, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to accord with the aims of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as chapter 12 of the National Planning Policy Framework.

5. Development shall not commence until a scheme detailing foul, surface water and land drainage (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and a percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interest of amenity, environmental well-being and to accord with Policy BE1 (iv) of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that the drainage scheme is implemented at the appropriate stage of the development.

6. Prior to the development being brought into use, the vehicle access and parking area 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 highway safety and to achieve a satisfactory layout in accordance with Policies D2, BE1, BE2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan as well as Chapter 14 of the National Planning Policy Framework.

7. No development shall take place until a scheme detailing the proposed internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, provision of KEEP CLEAR markings on Bradford Road, relocation of any necessary existing signing on Bradford Road, surface finishes and the treatment of sight lines, together with an independent safety audits covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development in the interest of highway safety and efficiency, in accordance with the aims of Policies D2 and T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

8. Development shall not commence until a Phase II Intrusive Site Investigation Report as detailed within Table 1 of the Coal Mining Risk Assessment prepared by Arc Environmental Ltd ref: 18-317.01L (dated 1st May 2018) 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, PLP53 of the Kirklees Publication Draft Local Plan and the Chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 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 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 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.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 the Chapter 11 of the National Planning Policy Framework

11. 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, PLP 53 of the Kirklees Publication Draft Local Plan and the Chapter 11 of the National Planning Policy Framework.

12. 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 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 on site shall not recommence until either (a) Remediation Strategy has been submitted to and approved in writing by the 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 agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: So as to protect future occupants of the development from the potential risk of land contamination in accordance with Policy G6 of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

13. An acoustic report shall be submitted to and approved in writing by the local planning authority before the superstructure of the dwellings hereby approved first commences. The acoustic report shall be completed by a suitably competent person and shall determine the existing noise climate; predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and detail the proposed attenuation/design necessary to protect the amenity of the occupiers of the new residences (including ventilation if required)

Reason: In the interests of amenity of the occupiers of these properties and to accord with the aims of Policy EP4 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework

14. 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the East and West elevations of plots 3, 4, 5, 7 and 8; the North and South elevations of plot 6; the South elevation of plot 2 and North elevation of plot 1 hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Plan.

15. The development shall not be occupied until the window(s) within the ground floor of the west elevation of plots 7, 8, 3, 4 and 5 and the windows at first and second floor of plots 1 and 2 of the dwellings hereby approved have been obscure glazed.

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) the obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan.

16. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. 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 and to accord with aims of the National Planning Policy Framework.

17. The development shall be completed in accordance with the advice and directions contained in the Arboricultural Method Statement and Tree Protection Plan (JCA Ref: 13931d/ChC) these shall be implemented and maintained throughout the construction phase and retained thereafter as specified.

Reason: To protect the trees in the interests of visual amenity and to accord with the aims of Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP33 of the Kirklees Publication Draft Local Plan.

18. The details submitted within appendix 1: Biodiversity enhancement map within the submitted Biodiversity enhancement plan BE-7231 shall be implemented and maintained throughout the lifetime of the development.

Reason: In the interest of protecting the biodiversity of the site in accordance with the aims of Chapter 15 of the National Planning Policy Framework.

19. Prior to first occupation of the dwellings an electric vehicle recharging point shall be installed. 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 point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

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 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: It is brought to the Applicants' notice that the Highway Department, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees street care 0800 7318765 or 'highways.section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under section 38 of the Highways Act 1990.

NOTE: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-ofnoiseconsultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics

<http://www.ioa.org.uk> (01727 848195) for a list of members.

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 13.00hours , 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 specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1626-D-20-001		04.05.2018
Street elevations	1626-D-20-015		04.05.2018
Grouped plans and elevations house type 05	1626-D-20-014		04.05.2018
Grouped plans and elevations house type 04	1626-D-20-013		04.05.2018
Grouped plans and elevations house type 03	1626-D-20-012		04.05.2018
Grouped plans and elevations house type 02	1626-D-20-011		04.05.2018
Grouped plans and elevations house type 01	1626-D-20-010		04.05.2018
Existing site/block layout	1626-D-20-003		04.05.2018
Existing site/block layout	1626-D-20-002		04.05.2018
Topographical Survey	HH080217		04.05.2018
Proposed site plan colour	1626-D-20-004	C	22.06.2018
Arboricultural method statement	13931		6.7.2018
Indicative drainage layout	1626-D-20-005	C	22.06.2018
Biodiversity enhancement plan	BE723.1		01.08.2018
TRP Build up			22.06.208
Tree method statement			13.06.2018
Phase 1 and bat scoping survey	13931a		04.05.2018
Coal Mining risk assessment	Ph1 Main v1		04.05.2018
Design and access statement			04.05.2018
Geotechnical report	1804		04.05.2018
Heritage statement			04.05.2018
Acoustic statement			04.05.2018
Holme House Arboricultural Report			04.05.2018
Holme House Arboricultural impact assessment			04.05.2018

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 requested for amendments to the layout of the internal road due to the impact on protected trees and access for refuse and emergency vehicles. The amended plans were submitted and considered acceptable.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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: 19-Oct-2018

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
