



**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: 2018/62/92441/W

To: Paul Briggs,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth
HD9 5JU

For: Mr Mayo, Heywood Homes 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 TWO DWELLINGS (MODIFIED PROPOSAL)

At: PLOTS 18 AND 19 MOORLAND VIEW, MILL MOOR ROAD, MELTHAM,
HOLMFIRTH, HD9 5QJ

**In accordance with the plan(s) and applications submitted to the Council on
25-Jul-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, 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, BE2, BE12 and T10 of the Kirklees Unitary Development Plan, PLP21 and PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

3. The walls of the dwellings hereby approved shall be faced in regular coursed natural stone and the roofs shall be faced in artificial slate tiles. The materials shall be the same as the facing materials approved pursuant to planning permission 2015/62/93861/W.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

4. The development shall be carried out in accordance with the Contamination Remediation Method Statement prepared by ARP Geotechnical Ltd (ref HEY/03, dated September 2015) and the supplementary remediation information contained within the email from John Race of ARP Associates to Kevin Moore of Kirklees Council dated 5th January 2017

Reason: To remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the emerging Local Plan and guidance given in the National Planning Policy Framework

5. Following completion of the remediation measures pursuant to condition 4 a Validation Report shall be submitted to the Local Planning Authority. Neither of the dwellings shall be brought into use until such time as the approved remediation measures relating to the application site have been completed and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To address unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the emerging Local Plan and guidance given in the National Planning Policy Framework

6. The dwellings shall be provided in accordance with the landscaping details as shown on drawing number 0607-1 Rev K (Landscape Proposals) and retained as such.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 and PLP30 of the emerging Local Plan and guidance in the National Planning Policy Framework.

7. An electric vehicle charging point shall be provided within/adjacent to the dedicated parking area of each dwelling before the dwelling to which the charging point relates is first occupied. The charging points shall thereafter be retained. 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 accord with PLP24 of the emerging Local Plan, guidance contained in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

8. The vehicle parking 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 before the dwelling to which the parking spaces relate is first occupied; the parking spaces shall thereafter be retained as such and available for parking.

Reason: In the interest of highway safety and to ensure adequate space within the site for vehicle parking, and in the interests of sustainable drainage. This is to accord with Kirklees Unitary Development Plan Policy T10, PLP21 and PLP28 of the emerging Local Plan and the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Overall Site Deed Plan	-	25/7/18
Proposed Floor Plans	1601 / 42 Rev B	-	25/7/18
Proposed Elevations	1601 / 44 Rev B	-	25/7/18
Design and Access Statement	July 2018	-	25/7/18
Landscape Proposals	0607-1 Rev K	-	7/7/17
Remediation Method Statement	Prepared by ARP Geotechnical Ltd Ref HEY/03 Dated September 2015	-	9/5/17
Supplementary Remediation Information	From John Race of ARP Associates to Kevin Moore of Kirklees Council dated 5th January 2017	-	5/1/17

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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. A S106 agreement was secured in order to tie the development to the original planning permission.

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: 07-Jan-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
