



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/92899/E

To: Jared Haigh,
PARKdesigned Architects
The Loft
Unit 13, Carlton Mills
Pickering Street
Leeds
LS12 2QG

For: Adam Cook, Elite Habitat 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:-

DEMOLITION OF FORMER PUBLIC HOUSE AND ERECTION OF 5
DWELLINGS WITH ASSOCIATED PARKING

At: OLD PACKHORSE INN, HIGHMOOR LANE, HARTSHEAD MOOR,
CLECKHEATON, BD19 6LW

**In accordance with the plan(s) and applications submitted to the Council on
05-Sep-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 D2, BE1, 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 details shown on the approved plan number 18.20-P-020 rev B, the development shall not commence until a scheme detailing the reinstatement to the footway to the Halifax Road site frontage and the provision of a 2.0m wide footway to the Highmoor Lane site frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing street lighting column no. 2 and existing road signage and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies T10 and T19 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.

4. Before construction work commences, a report specifying the measures to be taken to protect the occupants of the development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure that appropriate investigations and assessments are carried out on site prior to occupation in order to protect the amenity of future occupants and to accord with Policies EP4 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan as well as the aims of Chapter 15 of the National Planning Policy Framework.

5. The development shall be completed using bricks for the facing material and a slate roof. Samples of the brick and slate shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the superstructure of the dwellings hereby approved.

Reason: To ensure the satisfactory appearance of the development on completion and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

6. Prior to development commencing on the superstructure of any dwelling, a scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles 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 development.

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 and Policy PLP1 of the Kirklees Publication Draft Local Plan.

7. Notwithstanding the submitted plans and information, a sparrow terrace shall be installed on the rear (north westerly) elevation of each dwelling hereby approved. The sparrow terraces shall be installed in accordance with the manufacturer's instructions before the dwelling to which it relates is first brought into use and thereafter retained as such.

Reason: In the interests of visual amenity of the area and to enhance the biodiversity of the area and to accord with Policies PLP1, PLP2 and PLP24 of the Kirklees Publication Draft Local Plan, Policies BE1 and BE2 of the Kirklees Unitary Development Plan, as well as the aims of Chapter 15 of the National Planning Policy Framework.

8. The development shall be carried out in complete accordance with the Arboricultural Method Statement: Reference 1160 AMS.1 dated 4th January 2019 by Tree Care Consultancy. Protective fencing shall be installed in accordance with the approved details prior to development commencing.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy PLP33 of the Kirklees Publication Draft Local Plan and Policy NE9 of the Kirklees Unitary Development Plan.

9. Nothing shall be permitted to be planted or erected within a strip of land 2.4 metres deep measured from the carriageway edge of Highmoor Lane along the full frontage of Highmoor Lane which exceeds 0.9 metre in height above the level of the adjoining highway.

Reason: In the interests of highway safety and to achieve a satisfactory visibility and to accord with Policies PLP21, PLP22 and PLP24 of the Kirklees Publication Draft Local Plan, Policies T10 and T19 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

10. Prior to the development being brought into use, the approved 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; and thereafter retained.

Reason: To achieve a satisfactory layout in the interests of highway safety and to ensure that any hardstanding areas are appropriately drained in accordance with Policies T10 and T19 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.

11. The boundary treatments, as shown on the approved 'Proposed Site Plan' referenced 18.20-P-020 rev B, shall be erected before the dwellings hereby approved are first brought into use and thereafter retained.

Reason: In the interest of protecting the visual amenity of the streetscene in accordance with the aims of Policies D2 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of Chapter 12 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 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 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 13.00 hours, 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
Design & Access Statement	18.20_D_A REV B		13th February 2019
Supporting Statement	18.20_S_S		19th December 2018
Arboricultural Implication Assessment	1160 AIA.1		19th December 2018
Arboricultural Method Statement	1160 SMS.1		7th January 2019
Proposed site plan	18.20-P 020 REV B		13th February 2019
Proposed street view elevations	18.20-P 029 REV A		13th February 2019
Proposed elevations Plot 01	18.20-P 026 REV A		13th February 2019
Proposed floor and roof plans Plot 01	18.20-P 025 REV A		13th February 2019
Proposed floor and roof plan Plots 02-05	18.20-P 027 REV A		13th February 2019
Proposed elevations Plots 02-05	18.20-P 028 REV A		13th February 2019
Location Plan	18.20-P 001 REV B		13th February 2019

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 details were revised following discussions with officers to deliver a scheme that is more appropriate in its context. An Arboricultural Method Statement was also submitted at the request of Officers during the course of the application.

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: 22-Feb-2019

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 2018/62/92899/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
