



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2018/60/93786/E

To: Mr & Mrs B Bagshaw
2, Oakleigh
Cawthorne
Barnsley
S75 4EU

For: Mr & Mrs B Bagshaw

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:-

OUTLINE APPLICATION FOR ERECTION OF 2 DWELLINGS

At: LAND AT, ELM STREET, SKELMANTHORPE, HUDDERSFIELD, HD8 9BH

In accordance with the plan(s) and applications submitted to the Council on 15-Nov-2018, subject to the condition(s) specified hereunder:-

1. Approval of the details of the access, layout, appearance, landscaping and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matters referred to have been submitted they are reserved for the subsequent approval in writing by the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access, layout, appearance, landscaping and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to have been submitted they are reserved for the subsequent approval in writing by the Local Planning Authority.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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) no development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that any future extensions / outbuildings do not result in harmful overlooking or being overbearing to neighbouring property and to accord with Policies BE2, D2 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

6. Detailed plans indicating the existing and proposed site and road levels and proposed finished floor levels related to Ordnance Datum or an identifiable temporary datum, shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: These details are required 'pre-commencement' so as to ensure that the development shall harmonise with its surroundings and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

7. Actual or potential land contamination at the site shall be investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: This information is required 'pre-commencement' as it is fundamental in order to ensure that the site is safe and stable to accommodate development, 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.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, and pursuant to the recommendations set out with the Coal Mining Risk Assessment dated 30 October 2015, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required 'pre-commencement' as it is fundamental in order to ensure that the site is safe and stable to accommodate development with respect to the historic use of the site, and also taking into account the impact of coal mining legacy, 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.

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: This information is required 'pre-commencement' as it is fundamental in order to ensure that the site is safe and stable to accommodate development with respect to the historic use of the site, and also taking into account the impact of coal mining legacy, 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.

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 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. 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.

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: This information is fundamental in order to ensure that the site is safe and stable to accommodate development with respect to the historic use of the site, and also taking into account the impact of coal mining legacy, 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. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Elm Street measured along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

12. The areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority prior to the development being occupied

Reason: These details are fundamental, in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP27 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

13. Notwithstanding the submitted plans and information, a scheme to widen the footway to the Elm Street site frontage to 1.5m to current standards including works to kerbing, footway surfacing, edging, re-siting existing street lighting, and alterations to statutory undertaker's apparatus shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented before the development is brought into use and retained thereafter.

Reason: This information is required 'pre-commencement' as it is fundamental in order to achieve a satisfactory road layout in the interests of highway safety, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

14. A biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the approved measures shall be implemented before first occupation and retained thereafter. The Plan shall include:

- Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.
- One bat box, in the form of a Schweglar type 1FR bat box or similar, shall be installed integral to the new dwelling within the site.
- A sparrow terrace nest box shall be installed, integral to the new dwelling within the site.
- A simple landscaping scheme to compensate for the loss of existing vegetation using native trees and shrubs.
- Notwithstanding the provisions of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)), no boundary walls or fences shall be erected that would impede or obstruct the free movement of hedgehogs.

Reason: This information is required before development commences to ensure that the development provides adequate biodiversity mitigation and enhancement measures in accordance with the requirements of Policy PLP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

15. No development shall take place with regard to the construction of the dwellings until details of siting, design, and materials to be used in the construction of walls or fences for boundaries or screens have been submitted to and approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied and shall thereafter be retained.

Reason: In the interests of visual amenity to accord with Policy BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework. This information is required 'pre-commencement' so as to ensure that a suitable landscaping scheme can be achieved.

NOTE: To aid the free movement of hedgehogs you should provide at least one 15cm x 15cm hole at the base of the wall or fence, and where that wall or fence demarks more than one boundary edge, to provide like holes to each.

NOTE: Notwithstanding the information on the application form and submitted plans, any 'reserved matters' application relating to appearance shall ensure that the development is constructed using natural materials.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

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
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	1:1250	-	20.11.2018
Coal Mining Risk Assessment	30.10.15	-	20.11.2018
Design and Access Statement	-	-	20.11.2018
Proposed elevations and floor plans (and location plan and block plan)	May 2019	-	20.11.2018

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application. The case officer has received confirmation that the applicant is in agreement with the pre-commencement conditions.

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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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: 30-Jan-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 and view existing planning applications and decisions' and by searching for application number 2018/60/93786/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
