



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/70/90186/W

To: Vikki Sykes,
John R Paley Associates
14, Mariner Court
Calder Park
Wakefield
WF4 3FL

For: Sands Limited

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:-

VARIATION CONDITIONS 2 (PLANS) ON PREVIOUS APPLICATION
2012/90239 (APP/Z4718/A/12/2183652) FOR ERECTION OF 10 DWELLINGS
WITH INTEGRAL GARAGES

At: LAND AT BANKFIELD HOUSE, HOLMCLIFFE AVENUE, TAYLOR HILL,
HUDDERSFIELD, HD4 7RJ

In accordance with the plan(s) and applications submitted to the Council on 21-Jan-2019 [together with those plans and application(s) submitted to the Council on 01-Feb-2012 and incorporated into planning permission ref no. 2012/62/90239/W granted on appeal on 29-Jan-2013] and subject to the condition(s) specified hereunder:-

1. 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 Policy PLP24 (as modified) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. The development shall be faced in regular coursed natural sandstone from Johnsons Wellfield quarry, Crosland Road, Huddersfield (as indicated on the approved materials schedule) and one of the following concrete tiles (in slate grey colour):

- Russell Roof Tiles – Galloway Tile
- Marley – Edgemere Tile
- Lagan-Breedon – Elite Tile

The development shall thereafter be retained as such.

Reason: In the interests of visual amenity and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The landscaping of the site shall be carried out in accordance with approved drawing number P18 5247 06 (Landscape Proposals). The landscaping proposals shall be completed before the occupation of the 9th dwelling and shall thereafter be retained as such.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies PLP24 (as modified) and PLP30 (as modified) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval 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 Policies PLP24 (as modified) and PLP30 (as modified) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

5. Protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and other trees that are to be retained on the site for the duration of the construction period.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy PLP33 (as modified) of the Kirklees Local Plan.

6. The bat and bird boxes as shown on drawing number P18 5247 06 (Landscape Proposals) shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained. The bat and bird boxes shall be located at least 3m above ground level and shall not be sited directly above windows or doors.

Reason: To enhance the biodiversity of the site and to accord with Policy PLP30 (as modified) of the Kirklees Local Plan.

7. The removal of any remaining trees or hedges on site shall not be undertaken during the usual bird breeding season between March and August inclusive without first having obtained a qualified ecologist's survey of any nests present and the written approval of the Local Planning Authority.

Reason: In the interests of biodiversity and to accord with Policy PLP30 (as modified) of the Kirklees Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no dormer windows or two storey extensions shall be constructed on any plot without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan.

9. The drainage for the site shall be provided in accordance with the following plans and information:

- Drawing number E18/7372/20B (Plot Drainage)
- Drawing number E15/6508/12 (Storage Crate Details)
- Letter from Haigh Huddlestone & Associates dated 27 November 2015 ref E15/6508/MD/R001 & accompanying Micro Drainage Calculations

Surface water shall discharge to the public sewer at a restricted discharge rate of 4.2 litres per second. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works. The drainage system shall be provided before the first dwelling is occupied and thereafter retained as such.

Reason: To provide a sustainable urban drainage solution for the site and to accord with Policy PLP28 (as modified) of the Kirklees Local Plan.

10. The approved vehicle parking areas shall be surfaced and drained in accordance with the revised "*Guidance on the permeable surfacing of front gardens*" of May 2009 (Department of Communities and Local Government and the Environment Agency), or any document that amends or supersedes it. The parking spaces shall be so provided before the dwelling to which they relate is first occupied and shall be retained as such thereafter.

Reason: In the interests of highway safety and to mitigate flood risk. This is to accord with Policies PLP21 (as modified) and PLP28 (as modified) of the Kirklees Local Plan.

11. The development shall be carried out in accordance with the Geo-environmental Ground Investigation Report dated November 2015 (ref E15/6508/R001).

Reason: To address unacceptable risks to human health and the environment and to accord with Policy PLP53 (as modified) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

12. The bin storage arrangements as shown on the approved site plan shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and amenity and to accord with Policies PLP21 (as modified) and PLP24 (as modified) of the Kirklees Local Plan.

Note regarding construction:

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.

Note regarding crime prevention:

The applicant's attention is drawn to the comments from the Police Architectural Liaison Officer dated 8/2/19 with regards to suitable security measures for the dwellings.

[http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-](http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2019/90186&file_reference=733695)

[applications/filedownload.aspx?application_number=2019/90186&file_reference=733695](http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2019/90186&file_reference=733695)

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement	Jan 2019	-	21/1/19
Site Layout Plan	P18 5247 02A	-	17/4/19
Plot 1 – Floor Plans	P18:5247:11	-	21/1/19
Plot 2 – Floor Plans	P18:5247:13	-	21/1/19
Plot 3 – Floor Plans	P18:5247:15	-	21/1/19
Plots 4-5 – Floor Plans	P18:5247:17	-	21/1/19
Plots 6-8 – Floor Plans	P18:5247:19	-	21/1/19
Plots 9-10 – Floor Plans	P18:5247:21	-	21/1/19
Plot 1 – Elevations	P18:5247:12	-	21/1/19
Plot 2 – Elevations	P18:5247:14	-	21/1/19
Plot 3 – Elevations	P18:5247:16	-	21/1/19
Plots 4-5 – Elevations	P18:5247:18	-	21/1/19
Plots 6-8 – Elevations	P18:5247:20	-	21/1/19
Plots 9-10 – Elevations	P18:5247:22	-	21/1/19
Site Section	P18 5247 03	-	21/1/19
Street Scene	P18 5247 05	-	3/4/19
Drainage Plan	E18/7372/20B	-	1/4/19
Storage Crate Details	E15/6508/12	-	15/12/15
Drainage Details	Letter from Haigh Huddleston & Associates dated 27 November 2015 E15/6508/MD/R001	-	15/12/15

Plan Type	Reference	Version	Date Received
Landscaping Plan	P18 5247 06	-	17/4/19
External Works Plan	E18/7372/21C	-	1/4/19
Materials Schedule	Photo of coursed sandstone to be used	-	15/12/15
Geo-environmental Ground Investigation Report	November 2015 E15/6508/R001	-	15/12/15

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. Additional plans were requested to assess the impact of the proposals (streetscene & levels plans).

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.

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 refuse permission for the proposed development or 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: 18-Apr-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 2019/70/90186/W .

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
