



**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**

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**Application Number: 2019/62/90502/W**

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**To:** Asim Iqbal,  
TH3M Architects  
Phoenix House  
96, Blacker Road  
Birkby  
Huddersfield  
HD1 5HN

**For:** Kirklees Neighbourhood Housing

**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 10 DWELLINGS

**At:** LAND OFF, FERNSIDE AVENUE, ALMONDBURY, HUDDERSFIELD, HD5 8PH

**In accordance with the plan(s) and applications submitted to the Council on  
18-Feb-2019, 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the submitted plans, 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 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 and the approved drainage scheme shall thereafter be retained.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage is provided to serve the development, in the interests of amenity and environmental wellbeing, to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition given the importance and need to incorporate an appropriate drainage solution into the initial construction stages.

4. No development shall take place until a scheme detailing the proposed internal adoptable 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, surface finishes and the treatment of sight lines, together with an independent safety audit 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 to an acceptable standard is available for the development, in the interest of highway safety and efficiency, to comply with the aims and objectives of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the detailed works can be incorporated into the initial construction stages.

5. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highway, to include the land to the north of the proposed access road/parking spaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use until the approved works have been constructed. The said works shall be retained throughout the life time of the development.

**Reason:** To ensure that suitable access to an acceptable standard is available for the development, in the interest of highway safety and efficiency, in recognition of the difference in levels between the site and the land to the north to comply with the aims and objectives of Policies LP21 and LP24(b) of the Kirklees Local Plan. This is a pre-commencement condition to ensure the detailed works can be incorporated into the initial construction stages.

6. Development shall not commence until an Ecological Design Strategy (EDS) addressing mitigation and enhancement has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include, but not be limited to;

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** to ensure a scheme includes measures that avoid impacts to protected species, provides mitigation for the ecological effects and provides a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

7. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) 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, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition due to the need to identify contaminants prior to disruption and given the importance of protecting human health.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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:** To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition due to the need to identify contaminants prior to disruption and given the importance of protecting human health.

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, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition due to the need to identify contaminants prior to disruption and given the importance of protecting human health.

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.

**Reason:** To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 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 validate that unacceptable risks to human health and the environment have been identified and removed, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

**Reason:** In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

13. Prior to the hereby approved dwellings being occupied, the proposed boundary treatment, as detailed on plans ref. 'GA101 Rev. D' and 'GA104 Rev. B' shall be erected. Thereafter the 'High Safety Guard Rail' shall be retained.

**Reason:** In the interest of securing a visually appropriate layout, the amenity of future occupiers and safe relationship to the highway, in accordance with Policies LP21 and LP24 of Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

14. Prior to the hereby approved dwellings being first brought into use the following electric vehicle charging points shall be provided:

- a) One electric vehicle charging for each residential unit with a dedicated parking space, or
- b) One electric vehicle charging point for every five unallocated parking spaces.

The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

**Reason:** In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

15. Prior to the hereby approved dwellings being occupied, the areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the listed plans.

**Reason:** In the interests of highway safety and to mitigate the potential for flood risk and to comply with Policy LP21 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B 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:** To prevent an overdevelopment of the site which would detract from the visual and residential amenity of the development, so as to comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. Notwithstanding the submitted plans, prior to the hereby approved dwellings being occupied details of a waste collection point, accessible from the highway, shall be submitted to, and approved in writing by, the Local Planning Authority. The waste collection point shall be implemented prior to the dwellings being brought into use and shall thereafter be retained.

**Reason:** In the interest of amenity and highway efficiency, to allow residents a convenient and safe place to deposit waste for collection without block either the highway or pavement, to comply with the aims and objectives of Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

18. Prior to the occupation of the hereby approved dwellings, a comprehensive schedule of hard and soft landscaping and a maintenance plan shall be submitted, to and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. 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. The hard landscape proposals shall be retained for the lifetime of the development.

**Reason:** In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 in the side elevations of the dwellings hereby approved.

**Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan and 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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	GA 100		18.02.2019
Block Plan (Layout)	GA 101	Rev. D	19.03.2019
Proposed Floor Plans	GA 102	Rev. B	19.03.2019
Proposed Elevations	GA 103	Rev. C	19.03.2019
Proposed Elevations	GA 104	Rev. B	19.03.2019
Proposed Site Sections	GA 105		18.02.2019
Proposed Elevations	3D Render		19.03.2019
Block Plan (Access)	1901501	Rev. B	04.06.2019
Block Plan (Access)	1901503	Rev. B	04.06.2019
Block Plan (Topographical Survey)	1027 – 103 _ 2D	Rev. A	18.02.2019
Supporting Information	Design and Access Statement		18.02.2019
Supporting Information	Ecological Impact Assessment		28.02.2019
Supporting Information	Stage 1 Road Safety Audit		25.03.2019
Supporting Information	Transport Assessment		25.03.2019
Supporting Information	Travel Plan		25.03.2019
Supporting Information (illustrative purposes only)	Surface Water Management Report	Rev. A	21.05.2019
Supporting Information (Drainage Layout) (illustrative purposes only)	474/01(DR)100	P.01	13.05.2019
Supporting Information (Drainage Layout) (illustrative purposes only)	Soak-away Location Plan		26.04.2019
Supporting Information (Drainage) (illustrative purposes only)	Soak-away Test Results (1 of 3)		26.04.2019
Supporting Information (Drainage) (illustrative purposes only)	Soak-away Test Results (2 of 3)		26.04.2019
Supporting Information (Drainage) (illustrative purposes only)	Soak-away Test Results (3 of 3)		26.04.2019

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 Planning 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.

Discussions took place relating to the scale of the dwellings and their respective gardens, the drainage of the site and the design of the highway. These led to various amendments and alterations which were assessed to be acceptable. A final drainage scheme has not been provided, however, the use of a pre-commencement condition requiring the submission of a detailed strategy has been agreed. Written agreement to the use of other pre-commencement conditions has been obtained on behalf of the applicant

**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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 21-Jun-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](mailto:planning.contactcentre@kirklees.gov.uk)

or telephone 01484 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

Planning, Strategic Investment Service,  
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR

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