



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/90725/E

To: David Bennett,
KDP Architects
13, Seymour Terrace
Seymour Street
Liverpool
L3 55PE

For: Mr Houghton, TLC Care Homes

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 EXISTING DWELLINGS AND ERECTION OF 6
APARTMENTS

At: LAND AT, BUSKER LANE, SCISSETT, HUDDERSFIELD, HD8 9JU

**In accordance with the plan(s) and applications submitted to the Council on
06-Mar-2019, 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 LP21, LP22, LP24, LP33, LP35 and LP57 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. The external walls of the building hereby permitted shall be faced in Forticrete Anstone Pitched Faced Walling Stone - Regency Buff (with natural mortar) and K-render (colour: buttermilk), in accordance with the details shown on the approved plans, before the development is first occupied. The building shall be thereafter retained as such.

Reason: In order to ensure that the proposed building harmonises with the adjacent care home, in the interest of protecting visual amenity and in accordance with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

4. The external roofing materials of the building hereby approved shall be Marley Eternit Duo Modern Interlocking Tile (Slate Grey).

Reason: In order to ensure that the proposed building harmonises with the adjacent care home, in the interest of protecting visual amenity and in accordance with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

5. The development shall not be occupied until the first floor windows in the western side elevation of the building hereby approved have been obscure glazed (minimum obscurity level 5). The obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

6. The approved scheme shall be implemented by the end of the first planting season following the occupation of the first unit on site. 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 unless the Local Planning Authority gives its written consent 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 the aims of Policies LP24 and LP30 of the Kirklees Local Plan and as well as the aims of the National Planning Policy Framework.

7. The development shall be undertaken in complete accordance with the approved Arboricultural Method Statement.

Reason: In order to ensure that the development has an acceptable impact on existing trees within the site in accordance with the aims of Policy LP33 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

8. Prior to the development being brought into use, the proposed car parking spaces for the apartments hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In order to ensure that appropriate measures are put in place to ensure that the development has an acceptable impact on highway safety throughout the construction of the development in accordance with the aims of Policy LP21 of the Kirklees Local Plan.

10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from hazards in accordance with LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the building.

11. Before development commences a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should include the following information:-

- 1) The proposed design level of maintained average horizontal illuminance for the site
- 2) The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity
- 3) The proposals to minimise or eliminate glare from the use of the lighting installation
- 4) The proposed hours of operation of the lighting

Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

Reason: In order to ensure that the scheme has an acceptable impact in respect to light pollution, in accordance with Policy LP52 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

12. Before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken for the suppression of dust arising from operations permitted by this consent. The approved scheme shall be implemented before development commences and shall be operated thereafter.

Reason: In order to ensure that the scheme has an acceptable impact in respect to pollution, in accordance with Policy LP52 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

13. Prior to occupation of the building an electric vehicle recharging point shall be installed (one per dedicated parking space). 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. The electric vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.

Reason: To encourage the use of low emissions vehicles in accordance with the aims of Policies LP24 and LP51 of the Kirklees Local Plan and the aims of Chapter 9 of the National Planning Policy Framework.

14. Development shall not commence until a drainage strategy for the disposal of foul and surface water has been submitted and approved in writing by the Local Planning Authority. This surface water drainage strategy shall include:

- Consideration of flood risk;
- Method of disposing of surface water, using the hierarchy of surface water discharge
- Discharge rate to the proposed outfall, if infiltration not used;
- Attenuation required to meet this discharge rate; and
- Drainage simulations for the following return periods:
 - o Qbar 30 year;
 - o 100 year;
 - o 100 year + climate change
- Comparison of existing and proposed impermeable area.

The development shall then be completed in accordance with the approved details and the drainage scheme shall be thereafter retained.

Reason: in order to ensure that the application is appropriately drained in accordance with the aims of Policy LP28 of the Kirklees Local Plan and the aims of the Chapter 14 of the National Planning Policy Framework.

NOTE: If the applicant wishes to utilise the drainage system within the neighbouring development, the LLFA require appropriate calculations showing that this system has sufficient capacity to receive the additional flows. Kirklees LLFA highlight that this application comprises brownfield development therefore a minimum 30% reduction in surface water discharge is required, unless a justification is made for a higher rate. Evidence is required to justify why the proposed discharge is the lowest possible.

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:

- Monday – Friday – 07.30 and 18.30 hours
- Saturdays – 08.00 and 13.00hours
- With no working on Sundays or public holidays

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 (red and blue line) | 1414 LP | A | 20th March 2019 |
| Existing Site Layout Plan | 1414 1000 | A | 20th March 2019 |
| Proposed Site Layout Plan | 1414 1110 | H | 5th August 2019 |
| Proposed Plans, Elevations, Site Layout and Streetscene | 1414 1000 | O | 3rd July 2019 |
| Design and Access Statement | - | D | 3rd July 2019 |
| Landscaping Scheme | 4 | D | 6th March 2019 |
| Materials Plan | 1414 1101 | - | 5th August 2019 |
| Phase I Habitat Survey Report | 13252/JoC dated 16th December 2016 | - | 6th March 2019 |
| Phase I GeoEnvironmental Desk Study | A1819/16 dated 14th December 2016 | - | 6th March 2019 |
| Arboricultural Report including Method Statement | Scissett/RB/16 dated December 2016 | - | 6th March 2019 |
| GeoEnvironmental Investigation undertaken by Earth Environmental and Geotechnical | Ref: A1819/17 dated March 2017 | - | 5th August 2019 |
| Letter to LPA regarding gas monitoring | Ref: A1819-19 dated 7th February 2019 | - | 5th August 2019 |
| Gas Monitoring Results | - | - | 5th August 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 Case Officer entered into negotiations with the agent on the application in order to secure a reduced scheme in the interests of protecting the Green Belt. The decision is based on the amended plans and the conditions listed above.

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: 07-Aug-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 2019/62/90725/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
