



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/91512/E

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: James Wimpenny Homes 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:-

PART DEMOLITION AND CONVERSION OF FORMER NURSERY TO CREATE
THREE DWELLINGS AND ERECTION OF 4 DWELLINGS

At: FORMER DENBY DALE NURSERY SCHOOL, WAKEFIELD ROAD, DENBY
DALE, HUDDERSFIELD, HD8 8RX

**In accordance with the plan(s) and applications submitted to the Council on
07-May-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 Policies LP21, LP22 and LP24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

3. No development of the superstructure of the new dwellings hereby approved shall take place until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of chapter 12 of the National Planning Policy Framework.

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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the dwellings hereby approved.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of chapter 12 of the National Planning Policy Framework.

6. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. 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, existing drainage to be maintained/diverted/abandoned) 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 or each agreed phasing of the development to which the dwellings relate and retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Development shall not commence until a scheme detailing the piping of the watercourse at the point(s) of access or within the site and compensatory watercourse works, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and

works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works and compensatory watercourse works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented for the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. 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: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps.

Reason: In the interest of sustainable transport and to accord with policy guidance in the National Planning Policy Framework.

11. The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal dated May 2017.

Reason: In the interests of the biodiversity of the site, in accordance with guidance set out within Chapter 15 of the National Planning Policy Framework.

12. No removal of shrubs or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To avoid direct impacts to birds, their eggs, nests and young, in accordance with the aims of Policy LP30 of the Kirklees Local Plan and the guidance contained within Chapter 15 of the National Planning Policy Framework.

13. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwellings. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policies LP24 and LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. 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. Unless otherwise agreed in writing with the Local Planning Authority, 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 agreed in writing with 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 ensure the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

15. Before first occupation of any dwelling, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the following internal sound levels have been achieved in plots on the proposed development:

1. The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.

2. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

3. The LAF1 (15min) indoor shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: In the interests of the amenity of future occupiers of the development, in accordance with Policy LP 24 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

16. Notwithstanding the submitted details, revised boundary treatment details relating to the south western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed on the site prior to occupation of any dwelling and retained thereafter.

Reason: In the interests of visual amenity and the appearance of the streetscene in accordance with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE The applicant is advised that any construction that requires foundation works should be a minimum stand-off distance from any watercourse. In this case the developer should provide the largest feasible stand-off distance. Consideration should be taken during the construction phase to ensure no damage arises to the culvert; the depths of foundations near the culvert should be considered so as to avoid load disturbance on the pipe. The applicant is reminded that any problems which arise with the culvert would be the responsibility of the land owner to rectify. This includes during both the construction phase and occupation of the development.

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
Site Plan as existing	01		07.05.19
Site Sections as existing	02		07.05.19
Site Location Plan	03		07.05.19
Site Plan and Boundary Fence Detail	04	A	19.07.19
Site sections as proposed	05		19.07.19
Plots 5 and 6 as proposed	06		19.07.19
Plots 1 and 2 as proposed	07		19.07.19
Plots 3 and 4 as proposed	08	A	07.01.20
Site Plan – Flood Routing Plan	SK (100)02		09.01.20
Site Plan – Permeable/Impermeable areas	SK (100)01		09.01.19
Planning Statement	2591		07.05.19
Preliminary Ecological Appraisal	BG17.180	May 2017	07.05.19
Arboricultural Impact Assessment	BE1086.1a		01.08.19

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 information was requested, and received through the course of the application in relation to protected trees and drainage.

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: 08-Jan-2020

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 2019/62/91512/E .

If a paper copy of the decision notice or decided plans are required please email dc.admin@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: dc.admin@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
