



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/70/93965/E

To: J A Oldroyd & Sons Ltd
The Barn
3, Primrose Lane
Hightown
Liversedge, WF15 6NS

For: J Oldroyd

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 OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION
2018/91150 FOR ERECTION OF 3 DWELLINGS

At: GREEN LANE MOTORS, 14, WORMALD STREET, MILLBRIDGE,
LIVERSEEDGE, WF15 6BE

In accordance with the plan(s) and applications submitted to the Council on 20-Dec-2019 [together with those plans and application(s) submitted to the Council on 18-Apr-2018 and incorporated into planning permission ref no. 2018/62/91150/E granted on 14-Nov-2018] and subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than 13th November 2021.

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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3.The external walls of the dwellings hereby approved shall be faced in red drag wire facing brick and the external roofing material shall be dark grey Marley tiles. The dwellings shall be thereafter retained with this finish.

Reason: To ensure that the proposed development safeguards visual amenity and accords with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4.Prior to occupation of the dwellings an electric vehicle recharging point shall be installed for each of the dwellings. 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.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with Policy LP24 of the Kirklees Local Plan and the guidance in the National Planning Policy Framework.

5.Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated 16/03/2018 produced by ENS :-

- I. Shall be completed; and
- II. Written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise 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 amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

6. With respect to ventilation, the development hereby approved shall be completed in accordance with the details agreed under planning ref: 2019/94117. All works which form part of the approved scheme shall be completed prior to occupation of the dwellings.

Reason: In the interests of the amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under planning ref: 2019/94117. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in 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 from coal mining features and hazards in accordance with Policy LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. 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 identify and remove unacceptable risks to human health and the environment from coal mining features and hazards in accordance with Policy LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied until the windows in the side elevations have been obscurely glazed (minimum obscenity level 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) this obscure glazing shall be thereafter retained.

Reason: In the interests of residential amenity in order to ensure that the amenity of the occupants of neighbouring properties is preserved in accordance with Policy LP 24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. All areas to be used for parking and turning shall be laid out with a hardened and drained surface 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 any successor guidance before the dwelling is first occupied. Thereafter these areas shall be retained free of any obstruction.

Reason: To ensure adequate space within the site for vehicle movements and parking, to reduce flood risk and to accord with Policy LP 21 of the Kirklees Publication Plan and guidance in Chapter 14 of the National Planning Policy Framework.

11. With respect to boundary treatment, the development hereby approved shall be carried out in accordance with the details approved under planning ref: 2019/94117, before each dwelling is brought into use and retained as such thereafter.

Reason: In the interests of visual amenity, residential amenity and highway safety in accordance with Policies LP 21 and LP 24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

12. With respect to the storage and collection of waste, the development shall be completed in accordance with the details shown under planning ref: 2019/94117 before any dwelling is first occupied. The development shall be thereafter retained in accordance with these details.

Reason: In order to ensure a suitable access and layout is achieved on the site in the interests of highway safety in accordance with Policy LP 21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. The dwellings hereby approved shall not be occupied until the visibility splays shown on the plan entitled 'Visibility Splays' (ref: 1419 01) have been provided. These visibility splays shall be thereafter retained free of any obstruction above 0.9m.

Reason: In the interests of ensuring adequate visibility and highway safety in order to accord with Policy LP 21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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
 Saturday: 08.00 and 13.00hours
 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 The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Block Plan	19/193/2		24th February 2020
Proposed Plans and Elevations	19/1931	Rev A	5th February 2020
Location Plan (approved under 2018/91150)	2050 OS	-	18th April 2018
Proposed Block Plan (approved under 2018/91150)	2050 2	-	18th April 2018
Proposed Block Plan showing sight lines (approved under 2018/91150)	1419 01	-	31st July 2018
Proposed Plans and Elevations (approved under 2018/91150)	2050 1	C	1st November 2018
Proposed Elevations with levels details (including FFLs) (approved under 2018/91150)	2050 3	-	1st November 2018
Planning Statement prepared by JR Planning Consultants (approved under 2018/91150)	-	-	18th April 2018

Plan Type	Reference	Version	Date Received
Phase I Desk Study Report prepared by RB Geotechnical dated December 2017 (approved under 2018/91150)	RBG051 001	-	18th April 2018
Noise Impact Assessment prepared by ENS Environmental Noise Solutions Limited dated 16th March 2018 (approved under 2018/91150)	NIA/7748/18/7575/v6	-	18th April 2018
Highways Statement prepared by Paragon Highways dated January 2018 (approved under 2018/91150)	1419	-	18th April 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 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 were held on this application and the associated discharge of condition application with the agent/applicant. Amended/additional details were submitted during the course of this application.

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: 16-Jun-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 and view existing planning applications and decisions' and by searching for application number 2019/70/93965/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
