



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/94023/E

To: Hasan Dadibhai,
KUFIC
Suite 24
Batley Business Park
Technology Drive
Batley
WF17 6ER

For: M Din

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 4 DETACHED DWELLINGS

At: LAND AT, BATTYE STREET, DEWSBURY, WF13 1PH

In accordance with the plan(s) and applications submitted to the Council on 15-Dec-2020, 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The external walls of the detached dwellings hereby approved shall be faced with natural coursed stone, brick and render and the roofs shall be covered with grey coloured tiles in accordance with the approved design and access statement and drawings and thereafter be retained.

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

4. The detached dwellings hereby approved shall not be occupied until each plot has been enclosed by regular coursed natural stone walls and 1.8m timber fences in accordance with the details shown on the approved site plan (20178-D03-A) and thereafter be retained.

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

5. A scheme detailing surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. The detached dwellings hereby approved shall not be brought into use until all areas to be used for parking and access have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) these areas shall be so retained, free of obstructions and available for parking and access thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapters 9 and 14 of the National Planning Policy Framework.

7. The detached dwellings hereby approved shall not be occupied until the permit holders only parking bays across the frontage of the application site have been removed, in accordance with the approved permit holder plan (20178-D06-A).

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

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy produced by G&M Consulting Ltd dated June 2019. If 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 a coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

9. 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 ensure that unacceptable risks to human health and the environment from a coal mining features and hazards have been appropriately remediated in accordance with Policy L 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

10. If 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 investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works on site shall not recommence until either (a) Remediation Strategy has been submitted to and approved in writing by the 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 that unacceptable risks to human health and the environment not previously identified are appropriately remediated in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

11. The detached dwellings hereby approved shall not be occupied until all works specified in the approved noise impact assessment produced by Acoustic Solutions dated 19-July-2019 have been carried out in full and such works shall be thereafter retained.

Reason: To protect the residential amenity of future occupiers and to accord Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Before development commences a report detailing how the elevated levels of poor air quality in the area shall be mitigated against to protect the future occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be installed before the development is first occupied and retained thereafter.

Reason: To protect the residential amenity of future occupiers and to accord with the aims of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any identified mitigation measures are incorporated into the development at the appropriate stage.

13. Prior to occupation of each dwelling, an electric vehicle recharging point shall be installed in accordance with the approved drawing 20178-D04-A. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the guidance in the National Planning Policy Framework.

14. 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 within the East and West elevations of the development hereby approved.

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

15. Notwithstanding the submitted plans and information, the provision of one Woodcrete sparrow terrace shall be installed on a suitable northern aspect elevation of one of the new dwellings, and two bat tubes (Schweglar type 1FR or similar) shall be fitted integral to suitable southerly aspect elevation of each new dwelling. The bird and bat nesting opportunities shall be provided before the dwellings are first occupied and retained thereafter.

Reason: In the interests of the biodiversity of the site and in accordance with guidance contained within Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. 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 development included within Class B of Part 1 of Schedule 2 to that Order shall be carried out to each dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and so as to avoid harm to the local character and street-scene, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. 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 development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out within the curtilage of the dwelling immediately adjacent to 39 Leeds Road, Dewsbury without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, to achieve a satisfactory layout and to avoid overdevelopment of the site, in accordance 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 (Kirklees street scene 01484 221000) to obtain this permission and approval of 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: It is brought to the Applicants' notice that the Highway Department, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees street care 0800 7318765 or 'highways.section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under section 38 of the Highways Act 1990.

NOTE: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-ofnoiseconsultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

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 13.00 hours, 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 may 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
Drainage details	D01	P1	10-Feb-2021
Permit holders' area	D06	A	09-Feb-2021
Location plan	20178-D01-A		15-Dec-2020
Vehicle charging units	20178-D04-A		15-Dec-2020
Boundary treatments	20178-D03-A		15-Dec-2020
Proposed plans and elevations	20178-D02-A		15-Dec-2020
Drainage testing	SW Network 1 IN 10		10-Feb-2021
Drainage testing	SW Network 1 IN 30		10-Feb-2021
Drainage testing	SW Network Rev A dated 25 11 19		10-Feb-2021
Surface water drainage maintenance and management schedule			10-Feb-2021
Sound impact report 4			10-Feb-2021
Geo-environmental appraisal			10-Feb-2021
Remediation strategy			10-Feb-2021
Coal mining risk assessment			10-Feb-2021
Planning statement			15-Dec-2020

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 has, 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.

In this case, some minor amendments were sought in relation to the site layout. The revised drawings and other supporting information were received on 10-Feb-2021. No further details or changes were requested thereafter.

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 an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity** – workforces that are digitally-literate enables business to thrive.
- **Digital literacy** – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- **New services** – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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: 05-Mar-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 2020/62/94023/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
