Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90956/W

To: Scott Smith,
drawmyextension.co.uk
21A, Phoebe Lane Industrial Estate
Phoebe Lane
Halifax HX3 9EX

For: P O'KANE

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 DWELLINGS

At: REAR OF, 1, SPARKS ROAD, OAKES, HUDDERSFIELD, HD3 4BX

In accordance with the plan(s) and applications submitted to the Council on 26-Jun-2023, 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: To ensure compliance with 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 Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17,18 and 19 of the Housebuilders Design Guide SPD.

3. Prior to the development being brought into use, areas to be used by vehicles/pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

4. Prior to the commencement of the development, a plan detailing the positioning, location and specification of one house sparrow (Schwegler 1SP sparrow terrace, or similar) and two bat box (Schwegler 3FE Bat Box or similar) shall be submitted to and approved in writing by the local authority. The boxes shall be installed before the dwelling upon which they are to be sited is brought into use and shall be retained thereafter.
Reason: To provide an enhancement to biodiversity in line with LP30, Principle 9 of the Housebuilders Design Guide SPD and the requirements of Chapter 15 of the National Planning Policy Framework.

5. Prior to development commencing, a detailed scheme for the provision of a widened access from New Hey Road into the site with associated white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes and any associated drainage. Unless otherwise agreed in writing by the Local Planning Authority, all the agreed works shall be completed before any of the dwellings hereby approved are brought into use and shall be thereafter retained.
Reason: This pre-commencement condition is necessary to ensure that a safe and suitable access is provided at an appropriate stage of the development process, in the interests of highway safety and to achieve a satisfactory layout and to accord with Chapter 9 of the National Planning Policy Framework and Policy LP21 of the Kirklees Local Plan.

6. Prior to construction works commencing on site, 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, pre-development road condition surveys, and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed 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. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.
Reason: This pre-commencement condition is necessary to ensure that measures to avoid obstruction to the wider highway network, avoid increased risks to highway safety, and to prevent or minimise amenity impacts are agreed at an appropriate stage of the development process, to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the Kirklees Local Plan.

7. The development shall not be brought into use until all works which form part of the noise mitigation scheme as specified in section 4 of the submitted Noise Impact Assessment Report authored by Peak Acoustics, dated 23/05/2023, Ref: 2804231NR: have been completed.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Groundworks 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (8) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (9) further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (10). 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 groundworks in the affected area (except 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

13. The external materials used in the construction of the dwellings hereby approved shall consist of coursed natural stone and natural blue slate roof tiles. No development above foundation level shall take place until a scheme of the materials of construction of the walling stone and roofing materials has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved which shall be retained thereafter.
Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent Listed Buildings, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 8 and 13 of the Housebuilders Design Guide SPD.

14.All rooflights installed within the dwellings hereby approved shall be of Conservation Style.
Reason: To ensure the satisfactory appearance of development on completion and to preserve and enhance the setting of adjacent Listed Buildings, to accord with Chapters 12 and 16 of the National Planning Policy Framework, Principles 2 and 14 of the Housebuilders Design Guide SPD and Policies LP24 and LP35 of the Kirklees Local Plan.

15. Prior to occupation of the first dwellinghouse, details of all boundary treatments to be installed along shared boundaries belonging to the 4 dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the shared boundary treatments have been installed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. All approved boundary treatments shall be retained thereafter in accordance with the approved details.
Reason: To ensure the satisfactory appearance of development on completion and in the interests of the residential amenity of future occupiers of the dwellinghouses hereby approved, to accord with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Principles 2 and 6 of the Housebuilders Design Guide SPD.

16. The windows within the side elevations (north and south for Plots 1 and 2, east and west for Plots 3 and 4) of the dwellings hereby approved, to serve bathrooms at first floor level, and the master suites at second floor level, shall be first fitted with obscure glass minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification), the windows shall thereafter be so retained as obscurely glazed.
Reason: To protect the amenity of the neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

17. 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, AA, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Site Location Plan (ref: 01 Rev G), received 17th May 2024 without the prior written consent of the Local Planning Authority.
Reason: To ensure that no large, overly dominant extensions or outbuildings which would have an adverse harmful impact on the setting and significance of the locality and / or adjacent Listed Buildings, result in overdevelopment of the site, loss of off-street parking, or create amenity issues to adjacent neighbouring properties, to accord with Policies LP2, LP22, LP24 and LP35 of the Kirklees Local Plan, Chapters 9, 12 and 16 of the National Planning Policy Framework and Principles 2, 6 and 12 of the Housebuilders Design Guide SPD.

18. The development shall be completed in accordance with the advice and directions (recommendations) contained within the Arboricultural Method Statement, Arboricultural Impact Assessment and Tree Protection Plan, dated 24th May 2024 (ref: DW/POK/SR/004/BSTS_r2) and Drawing No. DW/POK/SR/004/BSTS_r2 'Tree Survey Site Plan'. These shall be implemented and maintained throughout the construction phase of the development and retained as such thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and policies within Chapter 15 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) regarding 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance: • Land Contamination Risk Management (LCRM) • BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Existing & Proposed Site Plans	01	G	17th May 2024
Proposed House Type Plots 1-4 Floor Plans	04	H	4th June 2024
Proposed House Type Plots 1-4 Elevations	05	G	17th May 2024
Street Scenes	06	G	17th May 2024
Site Section & Boundary Schedule	07	G	17th May 2024
Heritage Statement for Planning Purposes – Supporting Information	22216-PS02	A	17th May 2024
Design & Access Statement – Supporting Information	23006-PS01	C	17th May 2024
Climate Change Statement – Supporting Information	-	-	26th June 2023
Noise Impact Assessment –	2804231NR	0.0	26th June 2023

Supporting Information			
Arboricultural Constraints Report – Supporting Information	-	-	28th March 2023
Arboricultural Method Statement, Arboricultural Impact Assessment and Tree Protection Plan – Supporting Information	DW/POK/SR/004/BSTS_r2	-	28th May 2024
Tree Survey Site Plan – Supporting Information	DW/POK/SR/004/BSTS_r2	-	28th May 2024
Tree Survey Data Sheet dated 20th June 2023 – Supporting Information	DW/POK/SR/004/BSTS_r2	-	17th August 2023
Tree Category and Definition Criteria – Supporting Information	-	-	17th August 2023

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. Amended plans were requested from the applicant in respect of the scale, size, orientation and design of the proposed dwellings and the provision of additional landscaping to soften the site. It was also agreed to reduce the overall number of dwellings on site down from 5 to 4 to avoid the site appearing overdeveloped and cramped. Site Section drawings were also requested to ensure that Officers could assess the relationship between the proposed dwelling and adjacent properties. Following receipt of comments from highways, further amendments were requested in respect of the proposed access and pedestrian footway. In addition, updated Arboricultural Impact Assessments and Arboricultural Method Statements were requested by Trees Officers to fully reflect the revised scheme.

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

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 speeder installation at a later date.

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.

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.**

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/appeal-planning-decision. 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-Jun-2024**

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 2023/62/90956/W.

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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL