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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/90837/E

To: Bradley Stankler Planning
Hilltop
Grange Court
Leeds
LS17 7TX

For: D Pickles, Fairfax Investments (Gomersal) 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:-

VARIATION OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2021/94165 FOR ERECTION OF FOUR DWELLINGS WITH ANCILLARY GARAGES AND ASSOCIATED LANDSCAPING WORKS (WITHIN A CONSERVATION AREA)

At: LAND ADJ, 7, WEST LANE, GOMERSAL, BD19 4DL

In accordance with the plan(s) and applications submitted to the Council on 20-Mar-2024 [together with those plans and application(s) submitted to the Council on 01 Nov 2021 and incorporated into planning permission 2021/94165 granted on 29 Jun 2022] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall commence no later than 28th July 2025.
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 LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP32, LP51, LP52 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls of the dwellings shall be faced in coursed light coloured natural stone with ashlar lintels and detailing. The roofing materials will be natural Welsh slate. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwellings.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 development shall not commence until a Remediation Strategy 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 identify and remove unacceptable risks to human health and the environment from hazards and land contamination in accordance Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwellings.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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 hazards and land contamination in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

7. 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 hazards and land contamination have been appropriately remediated in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

8. The development shall be completed in accordance with the 'Kerbing Plan' (E21/7885/036, dated November 2022), 'Surface Treatment Plan' (E21/7885/035A) and 'Road Safety Audit' (MAL/WLGRSA1.2Rev2, dated 9th January 2023) approved under app no. 2023/90035 and retained thereafter.
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 National Planning Policy Framework.

9. The windows and doors of the dwellings hereby approved shall be treated timber as specified within the Design and Access Statement by Halliday Clark Architects dated 21.10.21.
Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

10. The boundary walls shall be completed in accordance with the document titled 'Specification for Boundary Wall' (dated 16th March 2023) approved under app no. 2023/90035 and retained thereafter.
Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 and LP35 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

11. The development shall be completed in accordance with the Biodiversity Enhancement Management Plan (BEMP) (2022001.2 revised June 2023, dated 04/07/2023) approved under app no. 2023/90035 and retained thereafter.
Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

12. The development shall be completed in accordance with the tree protection advice and recommendations contained in the Arboricultural Impact Assessment and Draft Tree Protection Plan, James Royston Arboricultural Consultant ref 210904a. These shall be implemented and maintained throughout the construction phase and retained thereafter as required.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

13. The development shall be completed in accordance with the soft landscaping specification (MR23-038/101 Rev A, dated 06/04/2023) approved under app no. 2023/90035 and retained thereafter.
Reason: To ensure that there is a well laid out scheme of healthy trees, shrubs and hedges in the interests of amenity and biodiversity and to accord with the Policy LP30 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

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: 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: 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.

NOTE: The approved vehicle parking areas will need be surfaced and drained 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 superseded. www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 the works may be carried out.

Plans and Specifications Table:

Plan Type	**Reference**	**Revision**	**Date Received**
Plans and details pursuant to 2021/94165			
Existing Site Plan	917.01(00)001	-	03/11/2021
Unit 03 - Ground Floor Plan	917.01(20)P00.03	-	03/11/2021
Unit 4 - Ground Floor Plan	917.01(20)P00.04	-	03/11/2021
Unit 03 - First Floor Plan	917.01(20)P01.03	-	03/11/2021
Unit 04 - First Floor Plan	917.01(20)P01	-	03/11/2021
Design and Access Statement	917.01	-	03/11/2021
Tree Survey	210904	-	03/11/2021
Desk Top Study and Site Investigation Work Report	E21/7885/MD/001	-	03/11/2021
Garage and Footpaths Design Settings	-	-	03/11/2021
Shared Drives Design Settings	-	-	03/11/2021

Plan Type	Reference	Revision	Date Received
Unit 03 Elevations	917.01(20)E00.03	-	03/11/2021
Unit 04 Elevations	917.01(20)E00.04	-	03/11/2021
Preliminary Ecological Appraisal	1631	-	26/06/2022
Drainage Feasibility Plan	E21/7885/001	-	03/11/2021
Highways Supporting Statement	-	-	03/11/2021
Large Car Swept Path Analysis	AMA/21177/ATR/002.1	-	21/12/2021
Large Car Swept Path Analysis	AMA/21177/ATR/002.2	-	21/12/2021
Arboricultural Impact Assessment	210904 AIA	-	08/02/2022
Plans and details pursuant to 2023/90035			
Materials and Boundary Wall	101950.01	-	07/03/2023
Specification for Boundary Wall	-	-	16/03/2023
Soft Landscaping Specification	MR23-038/101	A	20/07/2023
Biodiversity Enhancement Management Plan	2022001.2 revised June 2023	-	04/07/2023
Ground Investigation Report	E21/7885/R001	-	04/01/2023
Road Safety Audit	MAL/WLGRSA1.2	2	04/01/2023
Surface Treatment Plan	E21/7885/035A	-	04/01/2023
Kerbing Plan	E21/7885/036	-	04/01/2023
Plans and Details pursuant to 2024/90837			
Plot 1 Elevations	139/02	D	14/06/2024
Floor Plans – Unit 1	139/04	-	20/03/2024
Plot 2 Front and Side Elevations	139/06	C	20/03/2024
Plot 2 Rear and Side Elevations	139/07	C	20/03/2024
Floor Plans – Unit 2	139/09	-	20/03/2024

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. Revised drawings were submitted by the applicant's agent which were considered acceptable

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

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.

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 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/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: 21-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 and view existing planning applications and decisions' and by searching for application number 2024/70/90837/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL