



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/90951/W

To: Richard Lee Project Planning
29, Clonners Field
Nantwich
CW5 7GU

For: C Noble, D Noble 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:-

ERECTION OF 27 DWELLINGS AND ANCILLARY WORKS

At: FOREST ROAD, HUDDERSFIELD, HD5 8EU

In accordance with the plan(s) and applications submitted to the Council on 22-Mar-2016, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, D2 and T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

3. A sample of the artificial stone and roof tile to be used for the facing materials of the development shall be submitted to (or left on site for inspection) and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. The development shall be constructed of the approved materials and thereafter retained as such.

Reason: In the interests of visual amenity and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan.

4. A scheme detailing the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings are first occupied. The boundary treatment shall be provided before any of the dwellings are first occupied and thereafter retained.

Reason: In the interests of visual and residential amenity and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan.

5. Notwithstanding the submitted details, a scheme detailing foul, surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include:

- Off-site works
- Outfalls
- Balancing works
- Plans and longitudinal sections
- Hydraulic calculations
- Methods employed to delay and control the surface water discharged from the site
- Rate of discharge into the public sewer

None of the dwellings shall be occupied until such an approved drainage scheme has been provided on the site to serve the development (or each agreed phase of the development) to which the dwellings relate. The drainage scheme shall thereafter be retained as such.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Kirklees Unitary Development Plan Policy BE1(iv) and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development process.

6. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the ongoing maintenance of the surface water drainage system (as approved pursuant to Condition 5) for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall thereafter be implemented at all times.

Reason: To ensure that there are clear arrangements in place for the ongoing maintenance of the surface water drainage system over the lifetime of a development in the interests of mitigating flood risk. This is to accord with the Written Ministerial Statement on Sustainable drainage systems (HCWS161) and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development process.

7. A scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision and;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well-being and to accord with Kirklees Unitary Development Plan Policy BE1(iv) and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development process.

8. Prior to the development being brought into use, the wall to the site frontage shall be set back to the rear of the approved visibility splays at the access to Forest Road and the visibility splays cleared of all obstructions. The visibility splays shall thereafter be retained as such.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

9. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is built to roof level. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The scheme shall be provided in accordance with the approved details before any building is occupied and retained thereafter.

Reason: To ensure that suitable access is available for the development in the interests of highway safety and to accord with Policies T10 and BE1 of the Kirklees Unitary Development Plan.

10. Details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting the existing public highway shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall not be brought into use until the approved works have been constructed. The works shall be thereafter be retained as such.

Reason: To ensure that any new retaining structures do not compromise the stability of the public highway in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development process.

11. Details of a scheme for the drainage of the external vehicle parking areas shall be submitted to and approved in writing by the Local Planning Authority before any of the parking areas are laid out. The approved drainage scheme and parking areas shall be provided before the dwelling to which the parking relates is first occupied. The parking areas shall thereafter be retained as such and made available for parking at all times.

Reason: In the interest of highway safety and to ensure adequate space within the site for vehicle movements and parking, and in the interests of sustainable drainage. This is to accord with Kirklees Unitary Development Plan Policy T10 and the National Planning Policy Framework.

12. Notwithstanding Section 55 of the Town and Country Planning Act 1990 (or any statute or order revoking or re-enacting that Act with or without modification) and 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 with or without modification), the integral garages hereby approved shall not be converted to habitable accommodation and shall be available for the garaging of private motor vehicles at all times.

Reason: To ensure adequate off-street parking provision for the development in the interests of highway safety and amenity and to accord with Policies T10, BE1 and D2 of the Kirklees Unitary Development Plan.

13. Prior to construction commencing, 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 and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure the safe operation of the surrounding road network in the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

14. An electric vehicle recharging point shall be installed within the dedicated parking area/garage of each of the approved dwellings before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

15. Notwithstanding the submitted information, prior to development commencing a method statement detailing how construction of the development will be carried out whilst protecting badgers and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved method statement at all times.

Reason: To mitigate the impacts of the construction of the development on biodiversity and to accord with guidance in the National Planning Policy Framework. This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process.

16. Details of a scheme for the provision of bat and bird boxes within the development and details of how boundary treatment will make provision for the free movement of hedgehogs across the site shall be submitted to and approved in writing by the Local Planning Authority before the completion of the first dwelling. The development shall be carried out in accordance with the approved details and thereafter the bat and bird boxes and boundary treatment measures for hedgehogs so provided shall be retained.

Reason: To mitigate the impacts of the development on biodiversity and to accord with guidance in the National Planning Policy Framework.

Note - surface water drainage: Unless the surface water drainage system is to be adopted by Yorkshire Water it is expected that Condition 6 will involve the applicant/developer entering into a planning obligation. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

Note - Works within the highway:

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) with regard to 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 - Adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, 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 1980.

Note – Nesting birds:

Within the Preliminary ecological appraisal reference is made to using netting to prevent birds nesting in the grown out hedgerow. It is considered that this is more likely to result in the entrapment of adult birds, causing death and or injury, which is an offence under the Wildlife and Countryside Act 1981 (as amended). Use of this method is considered inappropriate and potentially unlawful at this site.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement	Prepared by Self Architects March 2016	-	22 March 2016
Location Plan	4183 /01	-	22 March 2016
Access Road Transverse Sections	4183 / 03	Rev F	November 2016
Proposed Site Plan	4183 / 04	Rev I	13 February 2017
Site Elevations	4183 / 05	Rev E	November 2016
3D Views Colour	4183 / 07	Rev E	November 2016
3D Views Mono	4183 / 08	Rev E	November 2016
Plot Sections & 3D Views From Neighbouring Properties	4183 / 11	Rev E	November 2016
Apartment Block – plans & elevations	4183 / 33	Rev G	November 2016
Apartment Block – Colour Elevations	4183 / 34	Rev F	November 2016
House Type C1	4183 / 29 A	Rev B	November 2016
House Type B1	4183 / 30 A	Rev A	November 2016
House Type B	4183 / 30	-	November 2016
House Type A1	4183 / 31C	Rev D	November 2016
House Type D	4183 / 32	-	November 2016
House Type E	4183 / 35 A	Rev C	November 2016
House Type E1	4183 / 35 B	Rev C	November 2016
House Type E2	4183 / 35 C	Rev A	November 2016
House Type F	4183 / 37	Rev D	November 2016
House Type F1	4183 / 37 A	Rev C	November 2016
Preliminary Ecological Appraisal	BG16.106 Feb 2016	-	22 March 2016
Phase 1 Geoenvironmental Risk Assessment	Report No. 3596 February 2016	-	22 March 2016
Phase 2 Ground Investigation Report	Report No. 3614 March 2016	-	22 March 2016
Planning Statement	Prepared by Richard Lee Project Planning 21/3/17	-	22 March 2016
Transport Statement	Prepared by PAH Highway Consultants 1128 / March 2016	-	22 March 2016
Flood Risk Assessment	Feb 2016	-	22 March 2016

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 Planning 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. Negotiations were undertaken to secure amendments to the layout and design of the scheme to resolve visual amenity, residential amenity and highway safety concerns.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.

- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk> . 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: 17-Mar-2017

Signed: 

**Jacqui Gedman
Director of Place**

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 2016/62/90951/W .

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

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