KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)
Article 27 - Town and Country Planning (Development Management Procedure) Order 2015

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2024/45/93337/E**
Site Address:	J & JM Asquith Ltd, Old Bank Road, Earlsheaton, Dewsbury, WF12 7AA
Description:	Confirmation of compliance of conditions on previous permission 2015/90391 for demolition of existing building and erection of 8 semi detached houses with associated parking and gardens
Recommending Officer:	Jennifer Booth

DECISION – COMPLIANCE WITH CONDITIONS APPROVED

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 24-Jan-2025

The conditions will be examined in turn, as follows:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 and BE2 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the superstructures of the dwellings are completed. Thereafter the development shall be constructed of the approved materials.

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

The d*etails for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/92753*

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of sustainable urban drainage and to accord with the National Planning Policy Framework: Meeting the challenge of climate change, flooding and coastal change.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order) any gates to be constructed as part of the development shall be hung to only open inwards. So long as such gates are in position they shall only open inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway and to accord with policy T10 of the Unitary Development Plan.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

6. Notwithstanding the submitted details and information, full details of the approved footway/verge crossing shall be submitted to and approved in writing by the Local Planning Authority before the superstructures of the dwellings is completed . Thereafter the development shall not be brought into use until the verge crossing has been completed in accordance with the approved details.
Reason: To avoid damage to the footway/verge and to provide an adequate means of access to the site and to accord with policy T10 of the Unitary Development Plan.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/93183

7. The driveway gradient shall be no steeper than 1 in 20 for the first 5.0 metres from the carriageway (York Road/Old Bank Road) and the remainder of the driveway no steeper than 1 in 8.
Reason: In the interests of highway safety, to provide adequate and safe access to properties and in accordance with Policy T10 of the Unitary Development Plan.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

8. The building shall not be occupied until sightlines of 2.4 m x 30 m at the site frontage have been cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with policy T10 of the Unitary Development Plan.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

9. Prior to construction commencing, a schedule of the means of access to the site for demolition/ construction traffic, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for demolition/construction traffic, all safety measures to ensure where possible the segregation of construction traffic from pedestrians and school children, the times of the use of the access, the routing of the demolition/ 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. Unless otherwise approved in writing by the Local Planning Authority construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of highway safety and to accord with policy T10 of the Unitary Development Plan.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/92753
The condition required the approved scheme to be operated for (and would be considered to be discharged on completion of) the construction period.

10. Notwithstanding the submitted plans and information, a charging plug-in point to promote modes of transport with ultra-low emissions within the curtilage of each dwelling shall be made operational before first occupation of any of the dwellings and be retained thereafter.
Reason: In the interests of encouraging sustainable transport and to accord with the sustainability principles of the National Planning Policy Framework.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

11. Development 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) has been submitted to and approved in writing by the local planning authority.
Reason: To ensure the site is fit to receive new development and to accord with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/92753

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.
Reason: To ensure the site is fit to receive new development and to accord with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/92753

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12 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 ensure the site is fit to receive new development and to accord with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/92753

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. 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 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. Unless otherwise approved in writing with the local planning authority, 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. 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. Unless otherwise approved in writing with 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 the site is fit to receive new development and to accord with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/92753

15. 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 Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To ensure that unsatisfactory extensions do not result in close overlooking of adjoining property and so as to avoid an overdevelopment of the site and in accordance with Policies BE1 and BE2 of the Unitary Development Plan as well as the National Planning Policy Framework.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

16. 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the elevations of the dwellings.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy D2 of the Unitary Development Plan.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

17. 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the windows on the side elevation of plot 1 shall be obscurely glazed to a specification of grade five or above before the dwelling is first brought into use. Thereafter the obscure glazing shall be retained.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy D2 of the Unitary Development Plan.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

18. In accordance with the approved Concept Drainage Strategy Ref 0237/3 by Egorum, dated 8th July 2015, finished floor levels shall be set no lower than 98.800m AOD or 300mm above adjacent road levels, whichever is the greater. **Reason:** To reduce the risk of flooding and in accordance with the National Planning Policy Framework.

This condition is a compliance condition, required to be adhered to, the discharge of this condition is not required.

19. Development shall not commence until a scheme detailing foul and surface water drainage (including off site works, outfalls and detailed flow control and surface water attenuation design in accordance with the approved Concept Drainage Strategy Ref 0237/3 by Egorum, dated 8th July 2015, including plans and longitudinal sections, hydraulic calculations, and the existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) and the National Planning Policy Framework.

The details for this condition were submitted to, and agreed in writing by virtue of Discharge of condition application ref: 2015/93183