



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2010**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2012/62/92626/W

To: Jeremy Child,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: M Rearden

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 ONE DETACHED DWELLING WITH INTEGRAL GARAGE

At: CROSSWAYS, NIELDS ROAD, SLAITHWAITE, HUDDERSFIELD, HD7 5HT

In accordance with the plan(s) and applications submitted to the Council on 03-Apr-2013, subject to the condition(s) specified hereunder:-

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.

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 D2, BE1 and BE2 of the Unitary Development Plan.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences. The dwelling shall then be completed using the approved materials.

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

4. Details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved walls/fences shall be erected before the development hereby approved is first occupied and shall thereafter be retained.

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

5. Detailed plans indicating both existing and proposed site and building levels related to Ordnance Datum or an identifiable temporary datum shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter the development shall be carried out in accordance with the approved details.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A and 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: In the interest of visual amenity and so as to avoid the overdevelopment of the site in accordance with Policy D2 of the Unitary Development Plan.

7. Any electric gates shall be positioned so as to only open inwards into the site.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway or cause an obstruction to other vehicles in accordance with Policies D2 and T10 of the Unitary Development Plan.

8. Details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved facilities shall then be provided before the dwelling is first occupied and shall thereafter be made fully operational throughout the lifetime of the development.

Reason: In the interests of amenity and highway safety and to accord with Policies D2, BE1, BE2 and T10 of the Unitary Development Plan.

9. The development shall not be brought into use until all areas indicated to be used for parking, as shown on the approved plan numbers 2191/02C and part of the turning head highlighted in blue on drawing number 2191-003B, 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 as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.

Reason: In the interests of achieving a satisfactory layout which is in the interest of amenity and highway safety and in the interest of providing sustainable drainage, in accordance with Policies D2, BE1, BE2, and T10 of the Unitary Development Plan as well as chapter 10 of the National Planning Policy Framework.

10. Notwithstanding the requirements of condition 9, the development shall not be brought into use until turning facilities indicated by dots on the 1:200 site plan drawing no. 2191/02C, have been provided in accordance with the details shown on drawing no. 2191-003B. The turning facilities shall thereafter be made freely available for use at all times by vehicles, retained in accordance with the approved specification, and shall be kept free from all obstructions to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies D2, BE1, BE2, and T10 of the Unitary Development Plan.

11. A scheme detailing the provision for on site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved scheme shall be then be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety and in accordance with Policy T10 of the Unitary Development Plan.

12. The development authorised by this permission shall not begin until the road remedial treatment works to Spring Street, as shown on approved drawing no. 2191-003B, have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

Reason: Spring Street is currently in a poor state however, with road remedial treatment works, the vehicular movements associated with one additional dwelling can be accommodated without materially adding to any highway safety implications. Furthermore, the remedial works would be in the interest of highway efficiency and safety and in accordance with Policies D2 and T10 of the Unitary Development Plan.

13. Notwithstanding the requirements of condition 12, a scheme detailing a post development condition survey and remedial works for Spring Street shall be submitted to and approved in writing by the Local Planning Authority within one month of the substantial completion of the dwelling. The dwelling shall not be first occupied until the approved remedial works identified in the post development condition survey for Spring Street have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

Reason: So as to ensure that any damage caused to Spring Street during construction works are appropriately remediated in the interest of highway efficiency and safety and in accordance with Policies D2 and T10 of the Unitary Development Plan.

14. A scheme detailing foul, surface water and land drainage, (including off site works, outfalls, plans and longitudinal sections, existing drainage to be maintained / diverted / abandoned, and percolation tests, where appropriate) shall be submitted to and approved in writing by the Local Planning Authority before development commences. Sustainable systems of drainage (SuDS) shall be employed to manage flows and / or improve water quality of surface water where possible. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works. The completed works shall be retained thereafter.

Reason: In the interest of providing suitable drainage of the site in accordance with chapter 10 of the National Planning Policy Framework.

15. Notwithstanding the submitted plans, there shall be no connection of surface water drainage to the ordinary watercourse running adjacent to 'Crossways' and across Nields Road.

Reason: Any additional connection of surface water drainage to this watercourse would increase flood risk which would not accord with the aims of chapter 10 of the National Planning Policy Framework.

16. An assessment of the viability of soakaways on site shall be submitted to and approved in writing by the Local Planning Authority before development commences. This assessment shall include a risk assessment on the re-emergence of water affecting lower lying properties and demonstrate an adequately designed soakaway for an effective means of drainage of surface water on this development site. The scheme shall include percolation tests in accordance with BRE Digest 365 along with calculations demonstrating that the designed soakaways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. Where it is demonstrated that soakaways are not viable as a means of draining surface water or result in increased flood risk, an alternative scheme shall be submitted to and approved in writing by the Local Planning Authority before development commences. The dwelling shall not be occupied until the works comprising the approved scheme have been completed and thereafter retained throughout the lifetime of the development.

Reason: So as to ensure that the site is adequately drainage and does not result in any increased flood risk to surrounding land or property and to accord with the aims of chapter 10 of the National Planning Policy Framework.

17. A scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the aims of chapter 11 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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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.

The proposal is considered acceptable having regard to all material planning considerations including national planning policy and guidance, and policies and proposals of the Development Plan set out below:

Unitary Development Plan:

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
T10 – Highway safety
NE9 – Retention of mature trees

National Planning Policy Framework:

Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 9 - Protecting Green Belt land
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment

The principle of erecting a dwelling on this site, which is in a sustainable location, within close proximity to the centre of Slaithwaite, is considered appropriate.

The design and scale of the dwelling and integral garage is considered acceptable and would not appear incongruous within the street scene, but would be in-keeping with the general scale and layout of surrounding development. In addition, due to the appropriate distances achieved, the development would not result in any overbearing impact or loss of privacy to any neighbouring occupants.

Highway improvement works are proposed to Spring Street, which include road remedial treatment works along Spring Street, along with the provision of a turning head. It is considered that these works would provide improvements to the residents/users of Spring Street and thus, on balance, the proposal is also acceptable from a highway safety perspective.

Issues of surface water drainage have been carefully assessed. The imposition of pre-commencement planning conditions are proposed to provide suitable investigation, survey and analysis of the existing situation and to provide a suitable scheme to support the proposed dwelling without detriment to surrounding properties.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development.

There are no other material considerations which outweigh these findings.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan, Plans & Elevations as Proposed and Site Layout	2191/02C		3 April 2013
Road Remedial Treatment Details (Spring Street, Slaithwaite) – with blue shading added by LPA	2191-003B		14 May 2013
Design & Access Statement	2191		3 April 2013
Supporting Highway Statement prepared by PAH Highway Consultants			3 April 2013

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 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 Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application.

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 the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No: (01484) 225397 who can advise further on this matter.

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 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 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 fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 29-May-2013

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 2012/62/92626/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
