



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2016/60/90017/W

To: Farrar Bamforth Associates
51, Trinity Street
Huddersfield
HD1 4DN

For: A Joyce

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:-

OUTLINE APPLICATION FOR ERECTION OF 3 DWELLINGS (WITHIN A
CONSERVATION AREA)

At: LAND OFF, MALLARD WAY, SLAITHWAITE, HUDDERSFIELD, HD7 5JL

In accordance with the plan(s) and applications submitted to the Council on 18-Feb-2016, subject to the condition(s) specified hereunder:-

1. Approval of the details of the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development commences.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Samples of all facing and roofing materials for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of any of the new dwellings commences. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policies BE1, BE5, BE11 and D2 (criteria vi ad vii) of the Kirklees Unitary Development Plan and Chapters 6 and 7 of the National Planning Policy Framework.

6. No development shall take place until a scheme detailing the proposed surfacing and junction improvements on Mallard Way and Ned Lane have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, surface finishes and the treatment of sightlines. Before any of the dwellings are brought into use, the scheme shall be completed in accordance with the approved scheme and retained thereafter.

Reason: To ensure that suitable access is available for the development, in the interest of highway safety; and in accordance with Policy T10 of the Kirklees Unitary Development Plan. This is a pre-commencement condition to ensure that highway issues are addressed at the right stage.

7. Development shall not commence until a method statement detailing with how the development will be constructed has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of access arrangements, turning/manoeuvring facilities, deliveries, vehicle routeing, traffic management, signage, where vehicles will be loaded unloaded and mud prevention measures. The approved method statement shall then be operated throughout the period of construction work.

Reason: To ensure the safe operation of the surrounding road network in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan. This is a pre-commencement condition to ensure that highway issues are addressed at the right stage.

9. 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. The works comprising the approved details shall be provided before the development is brought into use and shall be so retained thereafter free of obstructions and available for storage thereafter.

Reason: In the interests of amenity and highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

10. The development shall not be brought into use, until the approved vehicle parking areas on the approved plans have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to avoid an increase in flood risk and in accordance with Policy T10 of the Kirklees Unitary Development Plan and chapter 10 of the National Planning Policy Framework.

11. The development hereby approved shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (James Royston 160121 MS) submitted with this application. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

11. One bat box integral to each new dwelling shall be erected in south facing wall of the building, at least four metres above ground level and not located above any windows or door. The bat box shall be retained thereafter.

Reason: In the interests of the biodiversity of the site and in accordance with Chapter 11 of the National Planning Policy Framework.

12. An electric vehicle recharging point shall be installed within the dedicated parking area of each approved dwelling before it 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 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Chapter 4 and Chapter 11 of the National Planning Policy Framework.

13. 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 buildings or extensions falling within Classes A-E of Part 1, Schedule 2 of the order shall be undertaken without the prior written consent of the local planning authority.

Reason: To prevent overdevelopment of the site, so as not to detract from the amenities of adjoining properties, in the interests of safeguarding the amenities of future occupants of the development hereby approved, in the interests of visual amenity and to accord with Policies D2 (criteria ii, v, vi, vii), BE2 and BE5 of the Kirklees Unitary Development Plan and policies within the National Planning Policy Framework.

14. 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the western side elevation of plot 3 of the dwellings hereby approved.

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 Kirklees Unitary Development Plan.

15. Plot 3 of the hereby approved development shall not be brought into use until the en-suite window in the western side elevation of the plot 3 of the dwellings hereby approved has been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed for the lifetime of the development.

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 Kirklees Unitary Development Plan.

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			11/01/2016
Topographical Survey	14/D38/03		11/01/2016
Proposed Site Layout	14/D38/04	Rev F	28/07/2016
Proposed Plans and Elevations	14/D38/02	Rev C	14/04/2016
Design and Access Statement			11/01/2016
Heritage Statement			12/02/2016
Tree Survey			15/02/2016
Arboricultural Method Statement			15/02/2016

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 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.

Through ongoing negotiation with the applicant and the receipt of amended plans, the case Officer has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The originally submitted scheme would have been detrimental to the character and appearance of the conservation area and residential amenity. This issue was resolved through the receipt of amended plans and scheme now complies with Policies BE1, BE2, D2 and BE12 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

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 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://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: 22-Aug-2016

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 and view existing planning applications and decisions' and by searching for application number 2016/60/90017/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
