**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2016/62/92882/W**

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**To:** Paul Briggs,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth
HD9 5JU

**For:** A Khan

**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 5 DWELLINGS

**At:** ORCHARD STREET WEST, LONGWOOD, HUDDERSFIELD, HD3 4TE

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**In accordance with the plan(s) and applications submitted to the Council on 24-Aug-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 D2, BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

3. Prior to development commencing a report specifying the measures to be taken to protect the development from noise from the adjacent company on Dale Street shall be submitted to and approved in writing by the Local Planning Authority. The report shall;

i. Determine the existing noise climate

ii. Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (this is for housing think whether there would be alternative wording for other uses)

iii. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Unless otherwise approved in writing by the Local Planning Authority the development shall not be occupied until all works specified in the approved report have been carried out in full. Such works shall thereafter be retained.
**Reason**: In the interests of protecting the residential amenities of future occupiers of the development from industrial noise, and to protecting the business operations of the adjacent company. This is a pre-commencement condition given the importance of ensuring that suitable mitigation measures can be implemented if required. This condition is to accord with Policy EP4 of the Kirklees Unitary Development Plan and Paragraph 17 and Chapters 7 and 11 of the National Planning Policy Framework.

4. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development commences. The plan shall include:

- Details of the provision a minimum of two bat roost boxes/features within the site
- Details of the provision a minimum of two bird boxes/features within the site
- Details of proposed landscaping which shall include: the retention of trees and vegetation/boundary hedges where their removal is not required to accommodate building or access and replacement planting with native species to maintain habitat networks

The bat and bird boxes shall be implemented prior to the development being brought into use, and shall thereafter be retained.
**Reason:** In the interests of promoting biodiversity interest within the site and in accordance with Policy EP 11 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework: Conserving and Enhancing the Natural Environment. This is a pre-commencement condition to ensure that existing landscape/habitat on site is taken into account in the biodiversity

5. The approved landscaping scheme approved pursuant to condition 4 shall be undertaken in the first planting season (November-March) following the commencement of development. 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 written consent to any variation.
**Reason**: To ensure that there is a well laid out scheme of vegetation in the interests of amenity and to accord with Policy BE1 of the Kirklees Unitary Development Plan.

6. Before works to construct the hereby approved dwelling's superstructure are commenced, details of the all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials prior to the hereby approved building being brought into use.
**Reason**: In the interests of the visual amenity and to accord with Policies D2, BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

7. Prior to the occupation of the dwellings, a scheme detailing the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The approved works shall thereafter be retained.
**Reason:** In the interests of visual and residential amenity, to ensure a suitable design and layout, in accordance with Policies D2 and BE1 of the Kirklees Unitary Development Plan and Paragraph 17 and Chapter 7 of the National Planning Policy Framework.

8. Prior to the hereby approved development being brought into use the timber fence screen to plot 2's bin storage, as shown on plan referenced 1687-01 received 25.10.2016, shall be implemented. The fence shall be no less than 1.0m in height. Once erected the fence shall thereafter be retained.
**Reason**: In the interest of visual amenity of the host building and wider streetscene, so as to accord with Policies D2 and BE1 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

9. Prior to occupation of the dwellings one electric vehicle recharging point shall be installed per dwelling. 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.
**Reason: To** promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

10. The hereby approved dwellings shall not be occupied until all side windows for plots 1, 2, 4 and 5 have been obscure glazed. 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 obscure glazing shall thereafter 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 Kirklees Unitary Development Plan and Paragraph 17 of the National Planning Policy Framework.

11. The development shall not be brought into use until all areas indicated to be used for parking and 'internal turning' on the submitted plans have been marked out, and laid out with a hardened and drained surface 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 any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans.
**Reason**: In the interests of amenity and traffic safety, so as to ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10.

12. 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, B or 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**: So as not to detract from the amenities of adjoining property by reason of loss of privacy, overbearing or overshadowing, so as to accord with Policy D2 of the Kirklees Unitary Development Plan and Paragraph 17 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of plots 1, 2, 4 or 5.
**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 and Paragraph 17 of the National Planning Policy Framework.

**Note**: For advise on the best locations of the bat and bird boxes required by condition 4 please contact Tom Stephenson on 01484 221000.

**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:

Monday – Friday: 0700 – 1830
Saturday: 0800 – 1300
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 work may be carried out.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | | | 24.08.2016 |
| Block Plan | 1687 – 01 | | 25.10.2016 |
| Grouped Plans and Elevations | 1687 – 02 (Plots 1 – 3) | | 24.08.2016 |
| Grouped Plans and Elevations | 1687 – 03 (Plots 4 – 5) | | 25.10.2016 |
| Proposed Site Sections | 1687 – 04 | | 24.08.2016 |

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.

Concerns were raised over certain design aspects of the proposed development. Discussions where held between the case officer and the application's agent and these were addressed. Further discussions where held about the need for a noise survey, which was agreed to be conditioned.

**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.**

**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:** 15-Nov-2016

**Signed:** J. Gedman

**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 2016/62/92882/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.

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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

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