Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/93110/W

To: Michael Dunn,
Space architecture and design limited
Lake House, Blackmoorfoot
Blackmoorfoot Road
Linthwaite, Huddersfield
hd7 5tr

For: San Pedro Properties

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

ERECTION OF 2 DWELLINGS

At: ADJ 6, SANDS TERRACE, LEEDS ROAD, HUDDERSFIELD, HD2 1YX

In accordance with the plan(s) and applications submitted to the Council on 06-Oct-2016. The reasons for the Council's decision to refuse permission for the development are:

1. The application site is located within Flood Zone 3a as set out in Environment Agency's Flood Maps and on the Kirklees Strategic Flood Risk Assessment (SFRA), which is an area at the highest risk of flooding. As set out in the Planning Practice Guidance (PPG) residential uses represent more vulnerable uses and should only be permitted in Flood Zone 3a if the sequential test and exceptions test are passed. The submitted sequential test has not sufficiently demonstrated that there are no other available sites within the Huddersfield market area at a lower risk of flooding that could accommodate the proposed scale of development or similar. Furthermore the Council can demonstrate a 5 year supply of land for housing across the district which demonstrates that there is a good supply of housing land available. In addition, the submitted exceptions test has failed to demonstrate sufficient wider sustainable benefits brought about the development which outweigh flood risk concerns. The proposed development would therefore fail to accord with Policy LP27 of the Kirklees Local Plan and Policies in Chapter 14 'Meeting the challenge of climate change, flooding and coastal change' of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan; Site Plan and Floor Plans	01	Rev B	23/12/2016
Proposed Elevations	02	Rev B	23/12/2016
Location Plan	01	P1	23/12/2016
Flood Risk Assessment			06/10/2016
Sequential Test (Flood Risk Assessment)	May 2018		15/5/2018
Flood Risk Sequential and Exceptions Test	16 December 2019		16/12/2019
Noise Assessment	DRUK/ACC/RS/AMSTH/2507 8th January 2016		23/12/2016
HSE Advice			23/12/2016

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. The case officer undertook negotiations with the agent to seek additional information in relation to flood risk, however the information provided was not sufficient to address the concerns set out in the reason for refusal.

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 refuse permission for the proposed development 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://www.gov.uk/planning-inspectorate**
  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: 07-May-2021

Signed:

David Shepherd
Strategic Director Growth and Regeneration

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 2016/62/93110/W .

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

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