



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/94282/W

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

For: Mr & Mrs Chilton

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:-

DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF NEW
DWELLING WITH DETACHED GARAGE

At: 301, WOODHEAD ROAD, HOLME, HOLMFIRTH, HD9 2QE

**In accordance with the plan(s) and applications submitted to the Council on
04-Jan-2017, 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 BE1 and BE2 of the Unitary Development Plan.

3. The finished floor level of the dwelling and garage hereby approved shall be in accordance with the details shown on the proposed site plan (04) and section (05).

Reason: To ensure the development is in character with its surroundings, to avoid adverse impacts to adjacent land/property and in accordance with the aims of Policies BE1 and BE2 of the Unitary Development Plan.

4. Notwithstanding the details on the approved plans and application form, the front and side walls of the new dwelling shall be externally faced in regular coursed natural stone which shall be of a type to match the stone used on buildings in the vicinity of the site. The roofing materials for the dwelling and garage shall be either blue slate, stone slate, or artificial stone slate of a type, colour and texture to match the natural stone slate used on buildings in the vicinity of the site.

Reason: In the interests of visual amenity, to ensure that the proposed development conserves the setting of the Holme Conservation Area and views into the Peak District National Park and to accord with Policies BE1 and BE2 of the Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the details on the approved plans and application form, the north-eastern elevation of the proposed garage shall be externally faced in regular coursed natural stone of a type to match in all respects that used on the new dwelling. The remaining elevations of the garage shall be given an external coat of render, of a colour to match the stonework on buildings within the vicinity of the site, before the garage is first brought into use.

Reason: In the interests of visual amenity, to ensure that the proposed development conserves the setting of the Holme Conservation Area and views into the Peak District National Park and to accord with Policies BE1 and BE2 of the Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

6. Prior to the superstructure of the hereby approved dwelling commencing a scheme detailing foul, surface water and land drainage, (including percolation tests if soakaways are to be used) has been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Construction works shall not start on the dwelling until the approved drainage arrangements have been provided on the site to serve the development and thereafter retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and the reduction of flood risk and to accord with Policy BE1 of the Unitary Development Plan and chapter 10 of the National Planning Policy Framework.

7. Demolition of the existing bungalow shall not commence until an ecological design strategy (EDS) addressing mitigation and enhancement aimed at roosting bats has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Extent and location/area of proposed works on appropriate scale maps and plans.
- c) Type and source of materials to be used where appropriate, e.g. make and model of bat boxes.
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- e) Details of initial aftercare and long-term maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To secure the ecological protection and enhancement measures outlined in the submitted ecological report in accordance with Chapter 11 of the National Planning Policy Framework.

8. Demolition of the existing building shall not commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead;
- b) written confirmation from Natural England of Site Registration under the Low Impact Bat Class Licence; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the proposed development has an acceptable impact on local ecology and in accordance with Chapter 11 of the National Planning Policy Framework.

9. The development shall not be occupied or brought into use until all areas indicated to be used for the parking and manoeuvring of vehicles on the proposed site plan have been laid out with a hardened and drained surface. This shall be 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 (ISBN 9781409804864) as amended or any successor guidance, unless run-off water from the hardstanding is to be directed to a soakaway following the submission and approval of percolation tests as required by condition (6). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking and manoeuvring of vehicles.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Unitary Development Plan Policy T10.

10. The window in the south-west (side) elevation indicated as “bathroom” on the approved site plan shall be non-opening or top-opening only and shall be fitted with obscure glazing before the development is first occupied or brought into use. 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), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE12 of the Unitary Development Plan.

11. 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 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 within the land edged in red on the approved location plan.

Reason: So as to retain adequate planning control over the site in the interests of preventing further extensions or outbuildings which could cumulatively harm the openness of the Green Belt, and to accord with the aims of Policy PLP 57 of the Examination Draft Local Plan and chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			23-Dec-2016
Location plan			23-Dec-2016
Site plan with levels as existing	NDP/348/SP		23-Dec-2016
Elevations as proposed	01		23-Dec-2016
Elevations as proposed	02		23-Dec-2016
Garage elevations as proposed	03		23-Dec-2016
Proposed site plan	04		23-Dec-2016
Proposed section	05		23-Dec-2016
Planning statement			23-Dec-2016
Bat scoping survey			23-Dec-2016
Bat emergence survey			03-Jul-2017

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 requested the applicant submit a bat survey and mitigation statement to ensure the scheme minimised the impact on biodiversity and also requested the applicant apply for a Certificate of Lawful Development to ascertain whether there existing a permitted development fall-back position for extensions that would provide justification for the alternative of the proposed new dwelling.

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://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: 05-Oct-2017

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

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 2016/62/94282/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
