



**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: 2017/62/91022/W**

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**To:** Tim Hemingway,  
Wake Architects  
1, Dunford Road  
Holmfirth  
HD9 2DP

**For:** P Baker

**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 DETACHED DWELLING (WITHIN A CONSERVATION AREA)

**At:** 9, GILL BIRKS, MELTHAM, HOLMFIRTH, HD9 4DZ

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**In accordance with the plan(s) and applications submitted to the Council on 28-Mar-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, BE2, BE5, BE12, T10 and T19 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. The dwelling hereby approved shall be faced in coursed natural stone and natural stone roof slates, in accordance with the submitted details referred to in the design and access statement

**Reason:** In the interests of visual amenity and to ensure the materials used do not detract from the character and visual amenity of the surrounding area and nearby listed building and to accord with Policies BE1(ii), BE2(i), BE11(i) and BE5 of the Kirklees Unitary Development Plan as well as the aims of Chapters 7 and 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

5. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

6. An electric vehicle recharging point shall be installed within the dedicated parking area of the 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 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.

**Reason:** To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

7. Notwithstanding the submitted plans, one bat roosting feature similar to the Schweglar 1FR box shall be incorporated integral to the new dwelling on the south elevation, during the construction phase, located away from external windows and lighting, before the dwellings are first occupied and retained thereafter.

**Reason:** To maintain and enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework and Policy EP11 of the Kirklees Unitary Development Plan.

8. 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 and development under Class A of Part 14, Schedule 2 of the order shall be undertaken without the prior written consent of the Local Planning Authority.

**Reason:** In the interest of visual amenity and so as to preserve the character and openness of the Green Belt and significance of the adjacent listed building, to prevent the overdevelopment of the site in terms of impact on the Green Belt, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as policies in Chapter's 7, 9 and 12 of the National Planning Policy Framework.

9. All window and door frames shall be recessed a minimum of 75mm from the face of the building and roof lights to be installed as shown on the roof plan, drawings no. (PL)02C shall be of 'conservation type' flush with the slope of the roof and thereafter retained in accordance with these details.

**Reason:** To ensure that the works do not detract from the significance of the adjacent listed building and conserve the character and appearance of the Green Belt and conservation area, in accordance with Policies BE1 & BE5 of the Kirklees Unitary Development Plan as well as policies in Chapter's 7, 9 and 12 of the National Planning Policy Framework.

10. Notwithstanding the submitted details shown on the block plan on drawing no. (PL)02 in the interests of clarity this permission does not extend to the installation of solar panels.

**Reason:** For the avoidance of doubt as to what is permitted and to avoid an adverse impact upon the neighbouring grade II listed building and the Wilshaw Conservation Area in accordance with guidance in Chapter's 7, 9 and 12 of the National Planning Policy Framework.

**NOTE:** Public footpath Meltham 41 is the access to and is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

**NOTE:** Due to the location and nature of the application site, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. Should any bats be found during any stage of the development, all work must stop immediately and Natural England must be contacted.

**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:

07.30 and 18.30 hours Mondays to Fridays  
08.00 and 13.00 hours, Saturdays

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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing site block and location plan	(PL) 01A		27th March 2017
Proposed elevations	(PL) 03C		29th June 2017
Proposed floor plans	(PL) 02C		29th June 2017
Heritage Statement			27th March 2017
Design & access statement			27th March 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. In this instance revised plans were sought to ensure the proposed replacement dwelling would not be materially larger than that previously approved and amendments to ensure the significance of the nearby listed building is not unduly compromised. In addition the case officer undertook and sought agreement of the above conditions, from the applicant/ gent, who formally agreed to these in an email dated 18th August 2017.

**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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 21-Aug-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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/91022/W .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto: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](mailto: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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