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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/70/93072/E

To: Nick Jones,
Kilmartin Plowman & Partners
Lodge House
12, Town Street
Horsforth
Leeds
LS18 4RJ

For: Mr Rylance

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:-

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2016/93244 FOR ERECTION OF DETACHED DWELLING

At: 53, FAR BANK, SHELLEY, HUDDERSFIELD, HD8 8HS

In accordance with the plan(s) and applications submitted to the Council on 05-Sep-2017 [together with those plans and application(s) submitted to the Council on 21-Sep-2016 and incorporated into planning permission ref no. 2016/62/93244/E granted on 28-Feb-2017] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun by 27th February 2020.
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, BE13, BE14 and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22, PLP24, PLP30, PLP33, PLP28 and PLP35 of the Kirklees Publication Draft Local Plan, as well as Chapters 7, 11 and 12 of the National Planning Policy Framework.

3. The external walling materials of the dwelling hereby approved shall be sandal buff sandstone and retained as such.
Reason: In the interests of visual amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan, Chapter 7 of the National Planning Policy Framework and Policy PLP24 of the Kirklees Publication Draft Local Plan.

4. The external roofing materials of the dwelling hereby approved shall be 'Sandtoft Calderdale Dark Grey' and retained as such.
Reason: In the interests of visual amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan, Chapter 7 of the National Planning Policy Framework and Policy PLP24 of the Kirklees Publication Draft Local Plan.

5. All soft landscape works shown on plan ref: 2051 P2 shall be carried out in accordance with the approved details in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of the dwelling or in accordance with the timetable approved by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of chapters 7 and 11 of the National Planning Policy Framework and Policy PLP33 of the Kirklees Publication Draft Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan as well as Policy PLP24 of the Kirklees Publication Draft Local Plan.

7. The development shall not be brought into use until all areas indicated to be used for parking and turning on the submitted/listed plan(s) 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(s) specified on the submitted/listed plan(s).
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 Policy T10 of the Kirklees Unitary Development Plan as well as the aims of Chapter 10 of the National Planning Policy Framework and Policy PLP21 of the Kirklees Publication Draft Local Plan.

8. 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 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 and Policy PLP51 of the Kirklees Publication Draft Local Plan.

9. The development shall be constructed in accordance with the Ecological Design Strategy (dated May 2017).
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 and Policy PLP30 of the Kirklees Publication Draft Local Plan.

NOTE: With regard to condition 6, the link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864) is:
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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
Proposed elevations	2200	P5	05.09.2017
proposed site sections (submitted under 2016/93244)	2300	P3	13.01.2017
proposed first floor plans (submitted under 2016/93244)	2101	P3	13.01.2017
proposed second floor plan (submitted under 2016/93244)	2102	P4	22.2.2017
proposed ground floor plan(submitted under 2016/93244)	2100	P4	22.2.2017
proposed site plan(submitted under 2016/93244)	2050	P3	13.01.2017
Design and access statement (submitted under 2016/93244)	-	-	28.09.2017
Proposed landscaping layout (submitted under 2016/93244)	2051	P2	28.09.2017
Existing site/block layout (submitted under 2016/93244)	2001	P1	28.09.2017
Location plan (submitted under 2016/93244)	2000	-	28.09.2017
Existing site sections (submitted under 2016/93244)	1004	-	28.09.2017
Ecological Design Strategy (submitted under 2017/91689)	May 2017	-	25.05.2017

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 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. The case officer has not been in contact with the applicant as the proposal is acceptable in its current form. No amendments are required.

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 Telephone: (01484) 221550 for more information.

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 or 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://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: 16-Jan-2018

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 and view existing planning applications and decisions' and by searching for application number 2017/70/93072/E .

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
