Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/94072/W

To: Chris Gentle,
Northlight Architecture
The Media Centre
7, Northumberland Street
Huddersfield
HD1 1RL

For: RICHARD BROWN, CONNAH CONSTRUCTION LTD

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 BUILDERS STORE/DEPOT AND ERECTION OF 2 TERRACED DWELLINGS

At: STORE ADJ, 5, FERNSIDE AVENUE, ALMONDBURY, HUDDERSFIELD, HD5 8NR

In accordance with the plan(s) and applications submitted to the Council on 12-Mar-2018, 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 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

3. Samples of the stone to be used for external walling shall be submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, before work on the superstructure of the new build commences and the development shall be implemented using the approved materials.
Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

4. Prior to any new dwelling being occupied, the areas shown to be used for the parking and turning of vehicles within the site, as shown on the submitted vehicle tracking plan, shall be surfaced and drained 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on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained and kept free of all obstructions to their use for the parking and turning of vehicles.
Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies T10 and T19 of the Kirklees Unitary Development Plan, PLP21-22 of the Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

5. Before either of the proposed dwellings is first occupied, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be provided before first occupation and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety and to accord with the aims of Policies D2 and T10 of the Kirklees Unitary Development Plan and PLP21 and 24 of the Publication Draft Local Plan.

6. One electric vehicle recharging point shall be installed within the dedicated parking area for each of the approved dwellings before the dwelling to which the recharging point relates 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 points so installed shall thereafter be retained.
Reason: In accordance with government guidance on air quality mitigation, outlined within the Planning Practice Guidance, Policy PLP24 of the Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

7. Before either of the new dwellings are first occupied, a 1.8m high screen fence shall be erected on the boundary between Plot 1 and the rear garden of no. 5 Fernside Avenue, and this shall thereafter be retained.
Reason: To ensure that the development safeguards the privacy of the adjacent dwelling and to accord with the aims of Policy D2 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

8. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of 'low' suitability for bats (i.e. one survey visit) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the local planning authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: This is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts, in accordance with Circular 06/2005, Policy PLP30 of the Publication Draft Local Plan and to accord with the aims of the Chapter 11 of the National Planning Policy Framework.

9. Where the survey required under condition (8) confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the local planning authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

a) purpose and objectives for the proposed works;

b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

c) extent and location of proposed works shown on appropriate scale maps and plans;

d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

e) persons responsible for implementing the works;

f) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: this is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of policy PLP 30 of the Publication Draft Local Plan and a prerequisite in order to obtain the appropriate protected species licence.

10. Where the survey required under condition (9) confirms the presence of a bat roost(s), no development shall take place in any circumstances unless the local planning authority has been provided with either:

    a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;

    b) written confirmation of Site Registration under the Low Impact Bat Class Licence;

    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: This is a pre-commencement condition to ensure demolition works are undertaken in accordance with Circular 06/2005, Policy PLP30 of the Publication Draft Local Plan and to accord with the aims of the Chapter 11 of the National Planning Policy Framework.

11. 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 including paragraph A.1(ea)), no development falling within Classes A or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
    Reason: So as to retain adequate planning control over the site in the interests of preventing inappropriate extensions or outbuildings leading to a loss of visual or residential amenity arising from overdevelopment or overbearing impact, and to accord with the aims of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

12. 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. 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 ensure that the development does not lead to pollution of the environment or harm to human health, and to accord with the aims of Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP53 of the Publication Draft Local Plan, and Chapter 11 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to 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 ensure that the development does not lead to pollution of the environment or harm to human health, and to accord with the aims of Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP53 of the Publication Draft Local Plan, and Chapter 11 of the National Planning Policy Framework.

NOTE: Construction noise. 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 13.00hours 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:-

Plan Type	Reference	Version	Date Received
Application form			04-Dec-2017
Highways and access statement			04-Dec-2017
Existing site / block plan	EX(01)	A	04-Dec-2017
Existing elevations	EX(02)		04-Dec-2017
Proposed site / block plan	AL(01)	A	04-Dec-2017
Proposed ground floor plan	AL(02)		04-Dec-2017
Proposed first floor plan	AL(03)		04-Dec-2017
Proposed elevations	AL(04)		04-Dec-2017
Contextual elevations as proposed	AL(04)	A	04-Dec-2017
Vehicle tracking plan	1438-01	A	30-Apr-2018
Bat survey			20-Feb-2018

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 to ensure the scheme minimised the impact on biodiversity, and a vehicle tracking plan to show that safe vehicular access could be gained.

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.

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 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: 04-Jun-2018

Signed:



Karl Battersby
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 2017/62/94072/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
