



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/90332/W

To: Umar Hussain
32, Macaulay Road
Birkby
Huddersfield
HD2 2US

For: R Akhtar

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 EXTENSIONS AND ALTERATIONS TO WORKSHOP TO FORM
ONE DWELLING (WITHIN A CONSERVATION AREA)

At: WORKSHOP, KING CLIFF ROAD, BIRKBY, HUDDERSFIELD, HD2 2RR

**In accordance with the plan(s) and applications submitted to the Council on
27-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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 and BE5 of the Kirklees Unitary Development Plan, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan as well as guidance set out in the National Planning Policy Framework.

3. The hereby approved extension shall be externally faced using brick to match the host building and roof extension to the storage building shall be completed matching the roof slates of the host building.

Reason: In the interest of visual amenity and so as to preserve the character of the Birkby Conservation Area in accordance with Policies BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

4. Before development commences to construct the superstructure of the hereby approved extension a report specifying the measures to be taken to protect the development from noise from adjacent commercial/industrial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- (i) Determine the existing noise climate,
- (ii) Predict the noise climate in garden (daytime) bedrooms (night-time) and other habitable rooms of the development, and
- (iii) details of the proposed attenuation/design (including ventilation if required) to protect the amenity of the future occupants of the approved dwelling

Thereafter the development shall be carried out in accordance with the approved details and verified as complete in writing to the Local Planning Authority before occupation of any of the dwelling.

Reason: So as to protect the residential amenity of the future occupants of the approved dwelling and to avoid potential prejudicing of the continued operations of the adjacent businesses, in accordance with Policy EP4 of the Kirklees Unitary Development Plan, Policy PLP52 of the Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework

5. The development shall not be brought into use until all areas indicated to be used for access and parking areas have been 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 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) those areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and in the interest of mitigating an increase in flood risk, to accord with Policies D2 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

6. 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 C, D & E of Part 1, Schedule 2 of the Order shall be undertaken without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site and in the interests of the long term viability of trees on the adjacent site and to preserve the setting of the Conservation Area in accordance with Policies D2, BE2, NE9 and BE5 of the Kirklees Unitary Development Plan, PLP24, PLP33 and PLP35 of the Kirklees Publication Draft Local Plan as well as guidance within the National Planning Policy Framework.

7. 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) no new openings other than those expressly authorised by this permission shall be constructed in the external walls of the existing building and approved extension at any time without the prior written approval of the Local Planning Authority.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy/overlooking and protect the long term viability of the adjacent protected trees to accord with Policies D2 & NE9 of the Kirklees Unitary Development Plan, PLP24 and PLP33 of the Publication Draft Local Plan as well as guidance within the National Planning Policy Framework.

8. Notwithstanding the footprint of the dwelling shown on the Tree Protection Plan within Appendix 4 of the Arboricultural Method Statement, reference (JCA 14218b/TT), the development shall be completed in accordance with the advice and directions (recommendations) contained in this Arboricultural Method Statement. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity, to preserve the character of this conservation area in accordance with Policies NE9 and BE5 of the Kirklees Unitary Development Plan, PLP24, 33 and 35 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework

9. Details of any additional tree works required during the construction process that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the long term viability of trees on the adjacent site are not compromised in accordance with the requirements of Policy NE9 of the Kirklees Unitary Development Plan, Policy PLP33 of the Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

10. An electric vehicle recharging point shall be installed within the approved storage building or parking area as shown on drawing no. 1503/02/C before the dwelling 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 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and guidance contained within Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan

11. 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.

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: So as to safeguard the amenity of future occupants of the development from the potential risk of land contamination in accordance with Policy G6 of the Unitary Development Plan, PLP53 of the Publication Draft Local Plan as well as the aims of chapter 15 of the National Planning Policy Framework.

12. Before development commences, details and the conclusions of appropriate intrusive site investigations undertaken in order to identify the presence/absence of any unrecorded bell pit entries along with any remedial works to be carried out shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and prior to the occupation of the approved dwelling and written confirmation shall be submitted to the Local Planning Authority, verifying the works have been fully completed in accordance with the approved details.

Reason: This is a pre commencement condition to ensure any pollution/risk identified is dealt with appropriately, to ensure the users of the new development are protected from being put at unacceptable risk and to accord with Policies D2 and G6 of the Kirklees Unitary Development Plan, PLP52 and PLP53 of the Publication Draft Local Plan as well as guidance in the National Planning Policy Framework.

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE- The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

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 13.00hours , 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
Location plan			
Existing layout and elevations	1503/01		27th March 2018
Revised proposed floor plans and site block plan	1503/02/C		19th Nov 2018
Location plan, revised proposed elevations and section to Jack Hill	1503/03/E		19th Nov 2018
Tree/arboricultural method statement	JCA 14218b/TT		18th Sept 2018
Tree/arboricultural impact assessment	JCA 14218a/TT		20th Sept 2018
Tree arboricultural survey	JCA 14218/TT		27th July 2018
Coal mining risk assessment	Report no. 1979 June 2018		27th July 2018
Conservation heritage assessment			13th Feb 2018
Design & access statement			1st Feb 2018
Highway statement			1st Aug 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. Negotiations have resulted in a scheme which would not represent over development of the site and ensure the long term viability of adjacent protected trees. The decision is made in relation to the revised plans and the above conditions have been shared and agreed by the applicant.

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 an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks

and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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: 30-Nov-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 2018/62/90332/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
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