Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/90575/W

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

For: Mr Sihan, C/O Agent

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 (MODIFIED PROPOSAL)

At: 13A, FIXBY ROAD, FIXBY, HUDDERSFIELD, HD2 2JL

In accordance with the plan(s) and applications submitted to the Council on 05-Feb-2018, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
Reason So as to ensure the satisfactory appearance of the development on completion and comply with Policies BE1, BE2, BE12, T10 and T19 of the Kirklees Unitary Development Plan and Policies PLP21-22 and PLP24 of the Publication Draft Local Plan.

3. The external walling materials and finishes shall match in all respects the materials used on the adjacent dwelling occupying the plot to the west of the site.
Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. The boundary treatments to the western and southern boundaries of the site shown on the approved site plan shall be erected or constructed to a height of 1.8m before the dwelling is first occupied and thereafter retained as such.
Reason: To protect the privacy of neighbouring residential properties, in the interests of visual amenity, and to accord with the aims of Policies BE1 and BE12 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

5. Along the full length of the eastern boundary of the site, a screen hedge or fence shall be retained at all times at height of 2.0m or more above ground level.
Reason: To protect the privacy of neighbouring residential properties, in the interests of visual amenity, and to accord with the aims of Policies BE1 and BE12 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

6. The development shall not be brought into use until all areas indicated to be used for turning and vehicular access on the approved site plan have been and laid out with a hardened and drained surface 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. 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 turning of vehicles thereafter.
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 Kirklees Unitary Development Plan Policies T10 and T19 and Policies PLP21-22 of the Publication Draft Local Plan.

7. The arrangements for storage of wastes shown on the approved site plan shall be provided before first occupation of the dwelling and shall be so retained thereafter.
Reason: To ensure satisfactory facilities for waste storage and collection are provided and retained in the interests of highway safety and visual amenity and to accord with the aims of Policies BE1 and T10 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

8. The arrangements for the parking, loading and unloading of contractors' plant and equipment, the parking of vehicles of the workforce within the site, and the temporary tree protection fencing shown on plan 03 shall be provided before construction commences. These shall both be retained throughout the construction phase with no storage of plant, machinery or materials within the protected area.
Reason: To ensure that highway safety is not endangered as a result of vehicles parking on the public highway during construction, to ensure that existing trees are maintained as part of the landscaping scheme in the interests of amenity and biodiversity, and to accord with the aims of Policies NE9 and T10 of the Kirklees Unitary Development Plan and Policies PLP21 and 33 of the Publication Draft Local Plan.

9. The landscaping scheme shown on the approved site plan shall be implemented before the new dwelling is first occupied. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the aims of Policy BE2 of the Kirklees Unitary Development Plan, and the National Planning Policy Framework Chapters 7 and 11.

10. All windows and rooflights at or above first floor level on the east and west elevations of the dwelling hereby approved shall be either: obscurely glazed and non-opening/top-opening only; or constructed with a cill height at least 1.7m above internal floor level. 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), windows of this type shall thereafter be retained.
Reason: So as not to detract from the amenities of neighbouring properties through loss of privacy, and to comply with Policies BE1 and BE12 of the Kirklees Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

11. One electric vehicle recharging point shall be installed within the dedicated parking area or integral garage for 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: In accordance with government guidance on air quality mitigation, outlined within the Planning Practise Guidance 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.

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.

NOTE: There is the potential for a bat roost to 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.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			05-Feb-2018
Location plan			05-Feb-2018
Site plan as proposed	01		05-Feb-2018
Floor plan and elevations	02		05-Feb-2018
Plan showing tree protection fencing and parking for contractors	03		27-Mar-2018
Design & access statement			05-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 an additional plan showing vehicle parking arrangements during construction and the position of protective tree fencing.

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: 29-Mar-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 2018/62/90575/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
