



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/91623/W

To: Andrew Windress,
ID Planning
9, York Place
Leeds
LS1 2DS

For: S Wolfenden

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:-

CHANGE OF USE FROM DWELLING TO SUI GENERIS USE FOR
COMMERCIAL LETTING FOR MORE THAN 6 GUESTS AT ANY ONE TIME
(WITHIN A CONSERVATION AREA)

At: 221, MELTHAM ROAD, NETHERTON, HUDDERSFIELD, HD4 7BD

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

1. The permission hereby granted shall be for a limited period only to expire on the 03-Oct-2019 and on the expiration of this period the use as a sui generis property for commercial letting for more than 6 guests at any one time shall permanently cease, unless after a proper application having been made, the period shall be extended by the Local Planning Authority.

Reason: To maintain adequate planning control over the site so that, in the event of the development giving rise to highway safety or noise issues, it can be discontinued, and to accord with the aims of Policies D2, T10 and EP4 of the Kirklees Unitary Development Plan and PLP21, PLP24 and PLP52 of the Publication Draft Local Plan and policies within the National Planning Policy Framework.

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, in the interests of highway safety, residential amenity and to accord with Policies BE1, EP4, T10 and BE2 of the Kirklees Unitary Development Plan, PLP24, PLP52, PLP21 of the Publication Draft Local Plan and policies within the National Planning Policy Framework.

3. The use hereby permitted shall enure for the benefit only of and shall be carried on only by Mrs Sara Wolfenden.

Reason: The nature of the development is such that it is only considered acceptable because of the specific measures of control the applicant has proposed/ put in place and the council wishes to have the opportunity of exercising control over the subsequent operation of the premises in the event of the applicant ceasing the use hereby permitted. This is in the interests of highway safety, residential amenity and to accord with Policies BE1, EP4, T10 and BE2 of the Kirklees Unitary Development Plan, PLP24, PLP52, PLP21 of the Publication Draft Local Plan and policies within the National Planning Policy Framework.

4. The third parking space to serve the property, as shown on approved plan 18064/GA/01 in the submitted highways technical note ref 18064 shall be constructed and made operational within 4 weeks of the date of this permission. This additional space and the existing car parking accommodation shown on plan 18064/GA/01 shall be retained, free of obstructions and available for parking purposes at all times.

Reason: In the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10 and PLP21 and PLP24 of the Publication Draft Local Plan.

5. The development hereby approved shall be operated in accordance with the measures specified within the noise management plan dated 1st October 2018.

Reason: In the interests of protecting the amenity of the occupiers of nearby residential properties and to accord with the requirements of Policy EP4 of the Kirklees Unitary Development Plan and PLP52 of the Publication Draft Local Plan.

6. The CCTV cameras that have been erected in the following areas:

Frontage: Top right hand corner of garage and top left hand corner of house showing drive and front of road with new parking areas.

Left side of house: top left hand corner showing our access and neighbours drive.

Right hand side of house: Top left hand corner to show decking area and woodland.

Back of house: to show decked area at back.

Under the decking: housed at the back left corner to show the 'ginnel' and hot tub and kitchen access doors,

shall be retained and recorded footage made available for viewing to the Local Planning Authority if complaints are received regarding breaches of the approved noise management plan.

Reason: In the interests of protecting the amenity of the occupiers of nearby residential properties and to accord with the requirements of Policy EP4 of the Kirklees Unitary Development Plan and PLP 52 of the Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Web Id	Date Received
Location Plan		694935	12th June 2018
Supporting Statement	AWID2855	691677	21st may 2018
Highways Technical Note	18064	691677	9th August 2018
Parking Spaces	18064/GA/01	691677	9th August 2018
Noise Management Plan		712623	1st October 2018
Block layout plan		691679	21st May 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 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 undertook negotiations with the applicant through the application process to request a noise management plan and highway surveys to consider the impact of the on highway safety and residential amenity.

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.

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-Oct-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 2018/62/91623/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
