



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/92850/E

To: G Fallon
Whispering Oaks
94, Drub Lane
Drub
Drub
Cleckheaton
BD19 4BU

For: G FALLON

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 DWELLING AND ERECTION OF DETACHED
DWELLING (MODIFIED PROPOSAL)

At: 77, LATHAM LANE, GOMERSAL, CLECKHEATON, BD19 4BU

In accordance with the plan(s) and applications submitted to the Council on 03-Sep-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 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, BE2, BE12, and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework as well as Policies PLP 21, PLP 24 and PLP 30 of the Kirklees Publication Draft Local Plan.

3. The development shall be externally faced in regular coursed walling stone and natural blue slate for the roof covering as detailed in the information received on 10 March 2016 and subsequent email dated 15 March 2016 received in respect of application ref: 2016/44/90810/E.

Reason: In the interests of visual amenity and to accord with Policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The development shall be carried out in accordance with drawing no. 6004-04 Rev O received on 10 March 2016 in respect of application ref: 2016/90810 which identifies the siting, design, and materials to be used in the construction of walls or fences for boundaries. The approved walls/fences shall be erected before the development hereby approved is first occupied and shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

5. Prior to the development being brought into use, the approved vehicle parking areas 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.

Reason: In the interest of highway safety and to accord with the aims of Policy T10 of the Kirklees Unitary Development Plan, Chapter 14 of the NPPF and Policy PLP21 of the Kirklees Publication Draft Local Plan.

6. The development shall be carried out in accordance with the landscaping scheme identified on drawing no 6004-04 Rev O received on 10 March 2016 in respect of application ref: 2016/90810. 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: In the interests of visual amenity and to accord with Policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

7. Notwithstanding the submitted plans and information, two bat tubes, in the form of a Schweglar type 1FR bat box shall be installed integral to the new dwellings, on a south facing wall, at least 4 metres from the ground and not located above windows or doors, before the dwellings are first occupied and thereafter retained.

Reason: In the interests of the biodiversity of the site and in accordance with the aims of Chapter 15 of the National Planning Policy Framework and Policy PLP30 of the Kirklees Publication Draft Local Plan.

8. Notwithstanding the submitted plans and information, one woodcrete sparrow terrace nest box shall be installed, integral to the new build, on a north facing wall at least 3 metres from the ground and not located above windows or doors, before the dwellings are first occupied and thereafter retained.

Reason: In the interests of the biodiversity of the site and in accordance with the aims of Chapter 15 of the National Planning Policy Framework and Policy PLP30 of the Kirklees Publication Draft Local Plan..

9. The development shall not be occupied until all windows in the north and south elevations of the dwelling hereby approved have been obscure glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the obscure glazing (to a minimum Grade 4) shall thereafter be retained.

Reason: In the interests of residential amenity and to accord with Policies D2 and BE12 of the Kirklees Unitary Development Plan and the core planning principles of the National Planning Policy Framework.

10. 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the north and south elevations of the dwellings hereby approved.

Reason: In the interests of residential amenity and to accord with Policies D2 and BE12 of the Kirklees Unitary Development Plan and the core planning principles of the National Planning Policy Framework.

11. 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 development included within Classes A, B, C and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenities and to accord with Policies D2 and BE12 of the Kirklees Unitary Development Plan and the core planning principles of the National Planning Policy Framework.

NOTE: If there is any vegetation removal this should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

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 (Kirklees Street Scene: 01484 414700) 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 site plan	7004-02-01	B	04.11.2018
Proposed ground floor plan	7002-001-01	A	04.11.2018
Design and Access Statement	Gfallon	-	03.09.2018
Residential Coal Authority Mining Report	51000412627001	-	03.09.2018
Existing site layout	6004-01	B	03.09.2018
Front and rear elevations	7002-002-01	A	04.11.2018
Proposed first floor plan	7002-004-01	A	04.11.2018
Proposed lower ground floor	7002-005-01	O	03.09.2018
Sections through	7002-000-01	A	04.11.2018
Site location plan	1:1250	-	03.09.2018
Proposed side elevations	7002-003-01	A	04.11.2018

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. Significant amendments have been made to the proposal following discussions with the case officer. The additional wing has been removed due to case officer concerns over the impact on 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.**

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: 19-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 2018/62/92850/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
