



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/94203/W

To: Michael Coates
T. J. Coates Ltd
2, Unity Hall Court
Haighmoor Road
West Ardsley
Wakefield
WF3 1ED

For: M COATES

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 KENNELS BUILDINGS AND ERECTION OF TWO DWELLINGS

At: HOLMFIRTH BOARDING KENNELS, WOOD COTTAGE, GREENFIELD ROAD,
HOLMFIRTH, HD9 3XF

**In accordance with the plan(s) and applications submitted to the Council on
03-Jan-2019, 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 Policy PLP24 (as modified) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to the erection of the superstructure of either of the hereby approved dwellings, a scheme detailing foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development. The approved drainage scheme shall thereafter be retained.

Reason: To ensure that adequate and environmentally appropriate foul drainage is available to serve the development, in the interest of protecting the natural environment, to comply with Policy PLP28 (as modified) of the Kirklees Local Plan and Chapters 14 and 15 of the National Planning Policy Framework.

4. The hereby approved dwellings shall be faced in the materials specified within the materials schedule within the 'notes' sections of plans ref. '380-P02 Rev.A' and '380-P03 Rev.A'. For the avoidance of doubt this includes the use of natural stone from Johnson's Wellfield Quarry. The development shall be completed using the approved materials.

Reason: In the interest of visual amenity and the character of the Green Belt, to comply with Policies PLP24 (as modified) and PLP59 (as modified) of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

5. Prior to the occupation of the hereby approved dwellings, two Schwgler 1MR Avianex bird boxes, or similar, shall be erected on site as shown on plan ref. '380-P01 Rev. C'. The boxes shall be erected on the indicated trees, at height between 1.5m and 5m, in a sheltered location and with clear flight paths to the entrances. The bird boxes shall thereafter be retained

Reason: In the interest of providing a net enhancement to local ecology, in accordance with Policy PLP30 (as modified) of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted plans, the bin collection point, as shown on plan ref. '380-P01 Rev. C', shall be provided and screened by either stone walling or timber fencing measuring between 1.2m and 1.5m in height. The bin collection point and its screening shall thereafter be retained.

Reason: In the interest of appropriate waste management facilities and visual amenity, including the character of the Green Belt, to comply with Policies PLP21 (as modified), PLP24 (as modified) and PLP59 (as modified) of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the occupation of the hereby approved dwellings, in accordance with the details shown on plan ref. '380-P01 Rev. C' the access driveway shall, for a minimum of the first 5m from the public Highway, be 4.5m wide. The driveway shall be so maintained thereafter.

Reason: To ensure vehicles may enter and exit the site without requiring vehicle idling on the Highway, in the interest of Highway Safety and Efficiency, to comply with the aims and objectives of PLP21 (as modified) of the Kirklees Local Plan.

8. Prior to the occupation of the hereby approved dwellings, all areas indicated to be used for parking and turning on the approved plans have been 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 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: To ensure adequate space within the site for vehicle movements and parking, in the interest of amenity and traffic safety, to comply with the aims and objectives of PLP21 (as modified) of the Kirklees Local Plan.

9. Prior to the occupation of the hereby approved dwellings, notwithstanding the requirements of condition 7, the fire engine access turning area, as shown on plan ref. '380-P01 Rev. C' shall be surfaced in grass crete blocks. Thereafter the fire engine access turning area so provided shall be retained.

Reason: To ensure adequate space within the site for vehicle movements for emergency vehicles, in the interest of amenity and traffic safety, while balancing the impact upon the openness of the Green Belt, to comply with the aims and objectives of PLP21 (as modified) and PLP57 (as modified) of the Kirklees Local Plan and Chapters 9 and 13 of the National Planning Policy Framework.

10. Prior to the occupation of the hereby approved dwellings, one electric vehicle recharging point, per dwelling, shall be installed within the dedicated parking area of the approved dwellings. 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 the interest of supporting low emission vehicles, to accord with the guidance contained in Policies PLP21 (as modified), PLP24 (as modified) and PLP51 (as modified) of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

11. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted plans and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that order) the vehicular access gate shall be set back at least 6 metres from the back of Greenfield Road / A635 and shall be hung as to only open inwards to the site. So long as such gates or barriers are in position, they shall be retained to only open inwards.

Reason: In the interests of highway safety and efficiency, to avoid the need for vehicles to wait in the highway, in accordance with the aims of Policy PLP21 (as modified) of the Kirklees Local Plan.

12. The domestic curtilage to the dwellinghouses hereby approved shall be limited to the area outlined in red on the plan ref. '380-P01 Rev. C'.

Reason: To provide clarification on what is being approved and in the interests of protecting the openness, character and visual amenity of the Green Belt, to comply with the aims and objectives of PLP59 (as modified) of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

13. 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, or 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 interest of maintaining the openness and character of the Green Belt, in accordance with policy PLP57 (as modified) of the Kirklees Local Plan and the aims and objectives of Chapter 13 of the National Planning Policy Framework.

14. 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: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy PLP53 of the Kirklees Local Plan and the aims and objectives of Chapter 15 of the National Planning Policy Framework.

Note: It is recommended that no removal or trimming of hedges be undertaken during bird nesting season (1st March – 31st August). If this is not possible, a nesting bird check should be carried out prior to removal, and works should only commence if it is determined that no nesting birds are present.

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:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

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.

Note: Public footpath Meltham 51 is to the rear of the development site and must not be interfered with or obstructed, prior to, during or after development works.

The council's Public Right of Way unit may be contacted by telephone (01484 221000 and asking for Sharon Huddleston), by email (publicrightsofway@kirklees.gov.uk) or post (Public Right of Way, Flint Street, Fartown, Huddersfield, HD1 6LG)

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Block Plan and Site Section	380 – P01	Rev. C	15.03.2019
Grouped Plans and Elevations (Building A)	380 – P02	Rev. A	04.03.2019
Grouped Plans and Elevations (Building B)	380 – P03	Rev. A	04.03.2019
Location Plan	380 – P04	Rev. A	03.01.2019
Swept Path Analysis (Fire Appliance 1 of 2)	1807402	Rev. A	15.03.2019
Swept Path Analysis (Fire Appliance 2 of 2)	1807403	Rev. A	15.03.2019
Supporting Information	Planning Statement		04.03.2019
Supporting Information	Design and Access Statement		04.03.2019
Supporting Information	Ecological Assessment		04.02.2019

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.

Discussions took place regarding the proposal's internal layout from a Highway's perspective, requiring clarification on the Ecological details provided and to reduce the proposal's impact on the Green Belt. These led to various amendments and further details being provided, which were considered acceptable by officers.

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: 20-Mar-2019

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 2018/62/94203/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
