



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/94029/W

To: D Bramwell,
HNA Architects Ltd
Hollinwood Business Centre
Albert Street
Hollinwood
Oldham
OL8 3QL

For: R Barker And M Annandale

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 BUILDINGS, ERECTION OF 5 DWELLINGS AND ASSOCIATED WORKS

At: LAND AT MANCHESTER ROAD, LINTHWAITE, HUDDERSFIELD, HD7 5QA

In accordance with the plan(s) and applications submitted to the Council on 20-Dec-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 LP24 of the Kirklees Local Plan.

3. Samples of all facing and roofing materials shall be submitted to, or left on site for the inspection and approval in writing by, the Local Planning Authority, before work on the superstructure of the dwellings commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

4. Before development (other than demolition) commences, notwithstanding the details on part (11) of the application form, details shall be submitted to and approved in writing by the Local Planning Authority of a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate). None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate. This shall thereafter be retained throughout the lifetime of the development.

Reason: To limit the contribution that the development may make to flood risk arising from increased run-off having regard to the future impacts of climate change, and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that safe and sustainable drainage arrangements are incorporated into the development during construction.

5. Before any new dwelling is first brought into use, all areas to be used for the access, parking and turning of vehicles as shown on the approved plans shall be laid out with a hardened and drained surface. Parking spaces shall be formed in accordance with the Communities & 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 any successor guidance before the dwelling is first occupied, unless arrangements have been made under condition (4) for run-off water to drain to a soakaway or sustainable urban drainage system within the curtilage, or to a watercourse, or if for other reasons it can be demonstrated that this would be impracticable. Thereafter these areas shall be retained as such, free of any obstruction.

Reason: To ensure a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of and to accord with the aims of Policies LP21, LP22 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans, an amended plan showing proposed refuse storage and collection arrangements, demonstrating clear hard-surfaced routes by which refuse containers belong to Plots 1 & 2 can be wheeled to the shared collection point from the storage area without encountering parked vehicles or other obstacles, shall be submitted to and approved in writing by the Local Planning Authority before work on the superstructure of the development commences. The arrangements thereby approved shall be laid out and provided in full accordance with the approved details before any new dwelling is first occupied and thereafter retained as such.

Reason: To ensure that satisfactory arrangements for the separation, storage and collection of wastes are provided within the site to serve the development in the interests of the convenience of future occupiers without the risk of conflict with parking and access arrangements, and in accordance with the aims of Policies LP21 and LP24d(vi) of the Kirklees Local Plan.

7. Finished floor levels shall not exceed those shown on the approved sections (plan 1294/P/002).

Reason: To ensure that the development harmonises with its surroundings in accordance with the aims of Policy LP24(a) of the Local Plan, and to ensure that it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development, in accordance with the aims of the National Planning Policy Framework – Protecting Green Belt land and Policy LP59 of the Kirklees Local Plan.

8. No works to, or demolition of, buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before demolition works commence and provided the Local Planning Authority with written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority before demolition works commence.

Reason: To avoid direct impacts to birds, their eggs, nests and young and a consequential offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) and Policy LP30 of the Kirklees Local Plan.

9. Before work commences on the superstructure of the new dwellings, an ecological design strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority detailing the inclusion of integral bat roost features in new dwellings, habitat creation as outlined in Preliminary Bat Survey & Ecology Walkover (reference 1064) and the restoration of land to the north of the development site to a semi-natural state following the demolition of the stables and removal of the pony paddock and menage. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance and make and model of bat boxes.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.

All works forming part of the approved EDS shall be implemented in accordance with the approved timetable and thereafter retained.

Reason: To ensure that the biodiversity value of the Strategic Green Infrastructure Network and the adjacent Wildlife Habitat Network are conserved and enhanced, to accord with the aims of Policies LP30 and LP31 of the Kirklees Local Plan and the National Planning Policy Framework – Conserving and enhancing the natural environment.

10. One electric vehicle recharging point shall be installed within the dedicated parking area of each hereby approved dwelling before the dwelling to which it relates 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: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

11. All of the existing stable buildings shown on plan 1294/TOPO ('Existing topographical plan') shall be permanently removed from the site before any of the new dwellings is occupied or brought into use.

Reason: To ensure that the development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development, to ensure that an acceptable EDS can be implemented, and to accord with the aims of the National Planning Policy Framework – Protecting Green Belt land; Conserving and enhancing the natural environment, and Policies LP59 and LP30 of the Kirklees Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 within the site without full planning permission having been obtained from the Local Planning Authority.

Reason: To ensure that the development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development and to accord with the aims of the National Planning Policy Framework – Protecting Green Belt land and Policy LP59 of the Kirklees Local Plan.

Note – Drainage

Regarding condition (4), the developer should demonstrate that the most sustainable methods of drainage reasonably practicable have been adopted, having regard to the drainage hierarchy principle within Planning Practice Guidance – Flood risk and coastal change, and the presumption in Policy LP28(a&b) of the Kirklees Local Plan that existing run-off rates will be reduced or not exceeded.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			13-Dec-2019
Location plan	1294-SPL		13-Dec-2019
Upper ground floor site layout and elevations	1294-P-001		13-Dec-2019
Proposed house type – floor plans and elevations	1294/P/101		13-Dec-2019
Proposed roof layout and site sections	1294/P/002		13-Dec-2019
Existing topographical plan and site section A-A	1294/TOPO		13-Dec-2019
Design & access and Green Belt statement	1294-DAS		20-Dec-2019
Preliminary Bat Survey and Ecology Walkover	1064		13-Dec-2019
Supplementary statement	1294-L-001-1a		04-Feb-2020

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 statement to justify the level of parking provided and to explain what measures had been taken to combat climate change. No amended plans were requested as these were not considered necessary.

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: 21-Feb-2020

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 2019/62/94029/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@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: dc.admin@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR
