



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/90055/W

To: Mr Powell,
Enjoy Design
The Old Brewery
High Court
Leeds
LS2 7ES

For: Mr Turner

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 OUTBUILDING AND ERECTION OF DETACHED
DWELLING (WITHIN THE CURTILAGE OF A LISTED BUILDING)

At: NORTH LODGE, COTE LANE, FIXBY, HUDDERSFIELD, HD2 2EW

In accordance with the plan(s) and applications submitted to the Council on 17-Feb-2020, 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 Policies LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP35, LP51, LP57 and LP59 of the Kirklees Local Plan and Chapters 8, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the construction of the dwelling hereby approved above slab level, the external walls of the dwelling hereby approved shall be constructed in stone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority. The walls of the dwelling shall be constructed by using the stone in the walls of the existing outbuilding and any additional natural stone required shall be of the same type, texture, colour and appearance as the stone on the wall of the existing building. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used in the locality, to safeguard the significance of the nearby listed and curtilage listed buildings and their setting, and to comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to the construction of the dwelling hereby approved above slab level, samples of the stone tile to be used in the construction of the roof of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used in the locality, to safeguard the significance of the nearby listed and curtilage listed buildings and their setting, and to comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Notwithstanding the details submitted, and prior to the construction of the dwelling hereby approved above slab level, joinery details of the proposed windows, doors and rooflights at a scale of 1:20 including a cross section and colour/finish shall be submitted to and approved in writing by the Local Planning Authority. The windows, doors and rooflights shall be installed in accordance with the approved details and retained as such.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used in the locality, to safeguard the significance of the nearby listed and curtilage listed buildings and their setting, and to comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

6. Prior to the construction of the dwelling hereby approved above slab level, a report specifying the measures to be taken to protect the development from noise from the M62 and the commercial premises (farm) shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:-

- a) Determine the existing noise climate
- a) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In order to provide a good standard of amenity for future occupiers of the proposed development in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling hereby approved, and notwithstanding the details in Drawing No's. 003 Revision A and 005, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:

- details of the proposed shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and
- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps; and
- details of any means of enclosure, including position, height and materials.
- details of the timeframe for the implementation of the landscape scheme and its future maintenance.

The development shall be carried out in accordance with the approved landscaping scheme, and the hard landscape elements shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. If a septic tank is required for the treatment of foul water at the site, details of this shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development of the dwelling hereby approved above slab level. The details shall include:

- a) The location of the tank
- a) The discharge details for the tank
- b) Details showing how adequate means of vehicular access will be provided to allow the tank to be periodically emptied and maintained.
- c) Calculations demonstrating that the tank will be of adequate capacity for the highest number of persons that may use the tank.
- d) If an existing tank is to be used, details of its condition / state of repair demonstrating that it is operating correctly and is impermeable to liquids
- e) Details of the necessary porosity and percolation tests carried out to establish the suitability of land that is to be used for any soakaway/land drainage of effluent.

Reason: To ensure that adequate and suitable foul drainage is available to serve the development in the interests of the protection of the natural environment and residential amenity, and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. 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 the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

10. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area 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 by the Local Planning Authority, No part of the site shall be brought into use until such time as the 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

11. 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, C, D 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: To safeguard the special character of the Green Belt and the significance of the nearby listed and curtilage listed buildings and their setting, in the interests of the visual and residential amenity, to comply with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

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 Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To safeguard the special character of the Green Belt and the significance of the nearby listed and curtilage listed buildings and their setting, in the interests of the visual and residential amenity, to comply with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

NOTE: The applicant is reminded that the carrying out of unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. These are currently:-

BS EN 12566:2016 - Small wastewater treatment systems for up to 50 PT.

BS 6297:2007 +A1:2008 - Code of practice for design and installation of drainage fields for use in wastewater treatment

Any discharge from a waste water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

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:

- 07.30 and 18.30 hours Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- 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: The applicant is reminded that, due to the location of the nearby public rights of way to the site, the public footpaths must not be impacted on as a result of works associated with this permission and they need to remain clear and accessible at all times. No temporary obstructions including any materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the public rights of way that may obstruct or dissuade the public from using these public rights of way whilst the development takes place.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	18th February 2020
Site Location Plan	19025_001	B	11th February 2020
Site Plan as Existing	19025_002	A	11th February 2020
Site Plan as Proposed	19025_003	A	11th February 2020
Existing Floor Plans	19025_004	-	8th January 2020
Proposed Floor Plans	19025_005	-	8th January 2020
Proposed Elevations – North	19025_006	-	8th January 2020
Proposed Elevations – South	19025_007	-	8th January 2020
Proposed Elevations – East and West	19025_008	-	8th January 2020
Typical Sections	19025_009	-	8th January 2020
Views	19025_010		8th January 2020
Heritage Statement by ID Planning dated 2nd January 2020	-	-	8th January 2020
Statement of Very Special Circumstance by Enjoy Design dated 19th December 2019	-	-	8th January 2020
Design & Access Statement by Enjoy Design dated 19th December 2019	-	-	8th January 2020
Heritage Addendum by ID Planning	-	-	18th February 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 an amended red line plan and addendum to the Heritage Statement were submitted following comments from Highways Development Management and the Council's Conservation Officer, and these addressed the comments from these consultees.

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

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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: 23-Mar-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 2020/62/90055/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
