



Planning Application Decision Notice

To: Stuart Beaumont,
One 17 AD Chartered Architects
The Dyehouse
Armitage Bridge
Huddersfield
HD4 7PD

For: MR & MRS M PRESLEY

Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/92300/W

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:-

**ERECTION OF EXTENSIONS, ALTERATIONS TO VEHICULAR ACCESS AND
DEMOLITION OF OUT-BUILDINGS**

At: 22, DARK LANE, ALMONDBURY, HUDDERSFIELD, HD4 6SE

In accordance with the plan(s), documents and application submitted to the Council on 29-Jul-2020, except as amended or specified, details of which can be found in the table below and 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 Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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: In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 and to accord with the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity, so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 and to accord with the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for access and parking on the submitted/listed plans have been laid out with a hardened and drained surface 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. 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) these areas shall be so retained, free of obstructions and available for the use specified on the submitted/listed plans.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements, and parking and to ensure the parking area is appropriately drained and in accordance with Policies LP01, LP02, LP24 of the Kirklees Local Plan.

5. All ecological measures cited as recommendations in Section 6.3 of the hereby approved Bat Survey Report (MBE/BAT/2020/51/01) dated 24th July 2020, shall be implemented in full and all features created shall be provided before occupation of the extension and retained thereafter.

Reason: to ensure mitigation for the loss of bat roosts and so prevent significant residual ecological harm in accordance with Policy LP30 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework.

6. No development shall take place to building "BS1" as specified within the hereby approved Bat Survey Report (MBE/BAT/2020/51/01) until confirmation in writing has been received by the Local Planning Authority that either:

- i. a licence has been issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 authorising the specified activity/development to go ahead, or
- ii. confirmation of Site Registration under the Low Impact Bat Class Licence, or
- iii. a statement has been submitted from a suitably qualified ecologist, to confirm that suitable measures are in place at the site to ensure the development can proceed without resulting in an offence under regulation 43 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

No works shall commence until the Local Planning Authority have confirm in writing that the submitted details are acceptable. Any recommendations contained within the submitted information shall be followed throughout the construction phase of the development.

Reason: This is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under The Conservation of Habitats and Species Regulations 2017 and is necessary to ensure mitigation in respect of roosting bats and to prevent significant ecological harm in line with policy LP30 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework.

7. The development shall be completed in accordance with the advice and directions (recommendations) contained in the hereby approved Arboricultural Method Statement, carried out by James Royston submitted on the 8th Jan 2021. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within Section 15 of the National Planning Policy Framework

8. 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, or E of Part 1 of Schedule 2 to that Order shall be carried out without within the site outline in red on Dwg. No. 3349(OS) 01 without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the openness of the Green Belt and to accord with policies LP24 & LP57 of the Kirklees Local Plan and Policy in Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: With reference to condition (4) above, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	3349(OS) 01	-	31.07.2020
Topographic Survey	3349(TP) 01	-	31.07.2020
Surrounding highway images	3349(SK-) 15	-	31.07.2020
Existing Site Plan 1:100	3349(0-) 01	-	31.07.2020
Existing Elevations	3349(0-) 20	-	31.07.2020
Existing Ground Floor Plan	3349(0-) 21	-	31.07.2020
Existing First Floor Plan	3349(0-) 22	-	31.07.2020
Proposed Elevation – Sheet 1	3349(0-) 14	C	28.01.2021
Proposed Elevation – Sheet 2	3349(0-) 15	D	28.01.2021
Proposed Elevation – Sheet 3	3349(0-) 16	D	28.01.2021
Proposed Ground Floor	3349(0-) 17	F	28.01.2021
Proposed First Floor	3349(0-) 18	F	28.01.2021
Proposed Section	3349(0-) 19	D	28.01.2021
Tree Protection Information	3349(0-) 23	-	08.01.2021
Planning Support Statement	3349 PSS	A	08.01.2021
Arboricultural Method Statement	200901 d	D	08.01.2021

Arboricultural Impact Assessment	200901 d	D	08.01.2021
Bat Report	MBE/BAT/2020/51/01	-	28.07.2020

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 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 requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the openness of the green belt. The Agent also agreed in writing to the imposition of a pre-commencement condition. This decision is based on the amended/additional documents submitted.

Building Regulations

- 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. Please contact Kirklees Building Control on 01484 221550 or via e-mail to building.control@kirklees.gov.uk, alternatively visit www.kirklees.gov.uk/pbc for more information.

Site Notice

- If this application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local area.

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.

Amendment(s) to Approved Plans

- This permission relates to the plans and documents listed on this decision notice. Should the proposal change significantly, a new application will be required.
- If however the change proposed is small, such as an altered window or door, you can apply for the change to be considered as a non-material amendment. The forms and supporting guidance for non material amendments are available online at the Planning Portal's website at www.planningportal.gov.uk, alternatively the forms can also be found at www.kirklees.gov.uk/planning.

Highways Structures

- 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.

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

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.
- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision to impose planning conditions then you must do so within 6 months of the date of this notice.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.
- 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 the owner 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 the owner's interest in the land in accordance with the provisions of Chapter I 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: 12-Feb-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 2020/62/92300/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
