

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2021/62/91940/E

Site Address: 40, Beckett Crescent, Dewsbury Moor, Dewsbury,
WF13 3PW

Description: Erection of single and two storey extensions and
formation of vehicular access

Recommending Officer: Alice Downham

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the committee authorisation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 15-Sep-2021

Decision Authorisation – Committee Decision

Committee: Heavy Woollen

Date of Committee: 02/09/2021

Application Number: 2021/91940

Officer Recommendation: REFUSE

Committee Decision: Contrary to officer recommendation – DELEGATED APPROVAL of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions.

Summary of Committee Decision

Members considered the applicant had addressed the previous reasons for refusal and that the amended plans were acceptable. Members requested the addition of a condition removing permitted development rights.

Conditions and Reasons

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 LP1, LP2, LP21, LP22, LP24, LP30, and LP51 of the Kirklees Local Plan, the principles and guidance within the House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the principles and guidance within the House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. 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, AA, B, C, D, E or F of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the application site shown on the approved plans without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment and further harm to visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the principles and guidance within the House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

5. Before the extensions hereby approved are first brought into use, suitable storage, bin presentation points and access for collection of wastes to serve the extended dwelling shall be provided on site and made operational and shall be so retained thereafter.

Reason: To meet the requirements set out in Local Plan Policy LP24 part d(vi) and to comply with the principles and guidance within the House Extensions and Alterations SPD.

6. 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 superceded; and thereafter retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety and to ensure adequate space within the site for vehicle movements and parking that is appropriately drained to mitigate flood risk, in accordance with the aims of Policies LP21, LP22, and LP28 of the Kirklees Local Plan, the principles and guidance within the House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer

a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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, and 08.00 and 13.00 hours, 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 the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	Dwg. No. 02 – Existing and Proposed		13/08/2021
Location Plan	Location plan		17/05/2021
Block Plan	Block plan		17/05/2021
Block Plan	Block plan		17/05/2021

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. This application was first brought to the Planning Sub-Committee meeting on 22nd July 2021 and was deferred for further negotiation to achieve reductions to the scheme.

Officers re-iterated previous suggested amendments to the agent which could have addressed the previous reasons for refusal (2020/94132). The agent submitted amended plans only showing the two-storey side extension set back by 0.3m at the first floor level, and showing the two-storey elements set down from the ridgeline by 0.1m. Re-advertisement was considered unnecessary as the proposed amendments did not increase the level of development.

Report Dated:

14/09/2021