



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91975/W

To: Freddie Garside,
One 17 Architects & Interior Designers
The Dyehouse
35 Armitage Road
Armitage Bridge
Huddersfield
HD4 7PD

For: GARSIDE DEVELOPMENTS

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:-

REDEVELOPMENT OF CROFT HOUSE SURGERY WITH DEMOLITION OF
EXISTING 2 STOREY FLAT ROOF CAR PORT / OFFICE BUILDING,
ALTERATIONS TO EXISTING BUILDING TO FORM 4 RESIDENTIAL UNITS
AND ERECTION OF 2 DWELLINGS (WITHIN A CONSERVATION AREA)

At: CROFT HOUSE SURGERY, 1145, MANCHESTER ROAD, SLAITHWAITE,
HUDDERSFIELD, HD7 5JY

In accordance with the plan(s) and applications submitted to the Council on 17-May-2021, 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 and Policies in the National Planning Policy Framework.

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

Reason: In the interests of visual amenity, to protect and enhance the Slaithwaite Conservation Area and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

4. Window heads, cills and jambs shall be of natural stone.

Reason: To ensure that the development conserves and enhances the character of the Slaithwaite Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. Gutters shall be of traditional profile and shall be supported by stone corbels or metal brackets not fixed to a fascia board.

Reason: To ensure that the development conserves and enhances the character of the Slaithwaite Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. Any new boundary walls to the site shall be constructed of coursed natural stone to match in all respects that used on the existing highway boundary walls and shall have natural stone copings to match those on the existing boundary wall to Commercial Street.

Reason: To ensure that the development conserves and enhances the character of the Slaithwaite Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

7. Before the new dwelling is first brought into use, all areas to be used for the parking and turning of vehicles shall be laid out with a hardened and drained surface and the parking spaces marked out. Any new or replacement hard surfaces shall be 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 for run-off water to drain to a soakaway within the curtilage or to a watercourse. Thereafter these areas shall be retained 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 Policies LP21-22 and Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. The proposed secure bin and cycle store shown on the approved site plan shall be provided in accordance with the details shown before any of the proposed apartments are first occupied, and thereafter retained as such.

Reason: To ensure that satisfactory facilities are provided for the separation and collection of wastes, to facilitate the use of low impact means of transport, and to accord with the aims of Policies Policy LP24(d)(ii&vi) and LP24(e) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. Before development commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) 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: To ensure that future occupants have adequate protection against noise disturbance and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Notwithstanding the details on the proposed elevational drawing, the west-facing bedroom window apertures in the proposed apartments shall be fitted with windows in which the lower half is fixed (non-opening) and also fitted with obscure glazing to provide a grade 5 degree of obscurity, before the apartment to which it relates is first occupied. Windows of this type shall be retained at all times.

Reason: To prevent the development giving rise to mutual overlooking in the interests of the residential amenity of future occupants, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

11. Notwithstanding the details on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed boundary treatments for the southern (rear) garden boundaries to units 1 & 2 before either of these two units are first occupied. The approved screening measures shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained.

Reason: To protect the privacy of existing and future occupants, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

12. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no extensions or outbuildings falling within Classes A, B or E of Part 1 of Schedule 2 to the aforementioned Order shall be erected or constructed within the land edged in red on the site location plan at any time.

Reason: To maintain adequate planning control over the site in order to ensure that inappropriate extensions or outbuildings do not detract from visual amenity, the character of the Slaithwaite Conservation Area, or the residential amenity of neighbouring occupiers, by reason of poor design or overdevelopment, and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

13. Before work commences on the superstructure of the new dwellings, an ecological design strategy (EDS) addressing means of providing ecological enhancement, including, but not restricted to, compensatory tree planting, shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed ecological works.
- a. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- b. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- c. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- d. Details of maintenance.
- e. Details of how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not negatively impact the Kirklees Wildlife Habitat Network.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the biodiversity value of the Strategic Green Infrastructure Network and the adjacent Wildlife Habitat Network are conserved and enhanced, to ensure suitable replacement tree planting is undertaken, and to accord with the aims of Policies LP30, 31 and 33 of the Local Plan and the National Planning Policy Framework – Conserving and enhancing the natural environment.

14. One electric vehicle recharging point shall be installed within the dedicated parking area of each hereby approved new 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.

15. A standard small solar array (8sqm) shall be installed on the roof of each of the two dwelling houses before first occupation and it shall thereafter be retained as such.

Reason: To facilitate small-scale renewable energy generation on site so as to minimise the contribution of the development to climate change and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Footnote – Competent Person.

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 – Environmental permit: advice to applicant. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
 - **on or within 8 metres of a** flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission
- For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and is advised to consult with the Environment Agency at the earliest opportunity.

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.

NOTE – bats. There is the potential for a bat roost to be present on [site. Bats are a European protected species](#) under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			12-May-2021
Location plan	3373 (OS) 01		12-May-2021
Topographical survey	3373 (TP-) 01		12-May-2021
Arboricultural survey			27-Sep-2021
Design and access statement			12-May-2021
Existing elevations	3373 (0-) 05		04-Nov-2021
Proposed site plan	3273 (0-) 06		04-Nov-2021
Proposed elevations	3273 (0-) 07		04-Nov-2021
Proposed ground floor site plan	3273 (0-) 08		04-Nov-2021
Proposed first floor site plan	3273 (0-) 09		04-Nov-2021
Proposed second floor site plan	3273 (0-) 10		04-Nov-2021
Apartment 3 parking swept path	HDC-01-03		04-Nov-2021
Apartment 4 parking swept path	HDC-01-04		04-Nov-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 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 entered into negotiation with the applicant to achieve improvements to the scheme to address concerns over visual and residential amenity and highway safety and also requested an Arboricultural survey.

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.

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost-effective provision of fibre infrastructure in the future.

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: 19-Nov-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 2021/62/91975/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
