Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/94537/W

To: Jonathan Lovatt,
Eight One Two Architects
Studio A5
Brooke's Mill
Armitage Bridge
Huddersfield
HD4 7NR

For: J Rahman

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 REPLACEMENT DWELLING

At: 106, WOODSIDE ROAD, BEAUMONT PARK, HUDDERSFIELD, HD4 5JW

In accordance with the plan(s) and applications submitted to the Council on 13-Dec-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 Policies, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan.

3. Samples of the stone and the roofing materials to be used in any exterior work shall be left on site for the inspection of and approval in writing by the Local Planning Authority, and details of other facing and roofing materials (including the colour of any external rendered finish) submitted to and approved in writing by the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be thereafter 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 and Principles 2 and 13 of the Housebuilders Design Guide Supplementary Planning Document (SPD).

4. Before the new dwelling is first brought into use, all areas to be used for the parking and manoeuvring of vehicles as shown on plan 105 Revision E shall be laid out with a hardened and drained surface, which 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. 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, LP22 and LP28 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, and Chapter 14 of the National Planning Policy Framework.

5. The existing highway boundary wall shall be retained to the extent shown on the approved plans 103 Revision D, or in the event of being damaged during construction shall be rebuilt to the same height in natural stone to match the stone used on the existing wall in all respects. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the wall shall thereafter retained as such.
Reason: In the interests of visual amenity, to ensure that the site frontage is not dominated by car parking or hardstanding, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide SPD.

6. The areas shown for the storage and collection of wastes shown on the proposed site plan ref 105 Revision E shall be provided and laid out with a hardened and drained surface before the new dwelling is first occupied, and thereafter retained as such.
Reason: To ensure that satisfactory facilities are provided for the separation and collection of wastes, and to accord with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan, and Principle 19 of the Housebuilders Design Guide SPD.

7. One electric vehicle recharging point shall be installed within the dedicated parking area of the hereby approved new dwelling before it 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, Principle 18 of the Housebuilders Design Guide SPD 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.

8. All side-facing windows and fully or partially glazed doors in the proposed dwelling (except for the west-facing windows in the gym and office) shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be fitted with grade 5 obscure glazing before the development is first brought into use. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows and doors of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and Principle 6 of the Housebuilders Design Guide SPD.

9. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the new dwelling at ground floor at any time.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and Principle 6 of the Housebuilders Design Guide SPD.

10. The eastern wall of the proposed dwelling shall be a minimum of 700mm from the eastern side boundary of the site.
Reason: For the avoidance of doubt, to ensure that the office/gym maintains an appropriate distance from the boundary with the neighbouring property to avoid an overbearing impact or undue loss of light, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Housebuilder Design Guide SPD.

11. A timber close-boarded fence of a minimum height of 1.2m shall be retained at all times along the full length of the rear and both side boundaries of the site (except those parts that are within 2m of the highway boundary), or in the event of any part of it being removed or damaged during construction, shall be replaced with a close-boarded timber fence of at least 1.2m in height.
Reason: To protect the privacy of existing and future residents and to accord with Policy LP24(c) of the Kirklees Local Plan and Principles 5 and 6 of the Housebuilders Design Guide SPD.

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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification including paragraph A.1(ea)), no extensions or outbuildings falling within Part 1, Classes A, B, D or E of said Order shall be erected, altered or constructed within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
Reason: So as to retain adequate planning control over the site in the interests of ensuring that inappropriate extensions or outbuildings do not lead to overdevelopment of the site or give rise to an overbearing impact upon neighbouring dwellings, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan and Principles of the Housebuilders Design Guide SPD.

13. Before work commences on the superstructure of the dwelling, details shall be submitted to and approved in writing by the Local Planning Authority of on-site renewable energy generation or other measures to reduce carbon emissions associated with the hereby approved development. The approved measures shall be installed or incorporated within the development before it is first brought into use and thereafter retained as such.
Reason: To ensure that the development contributes to reducing carbon emissions and thereby combats climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

14. Prior to the occupation of the property, a single nesting box, designed to be suitable for Swifts and made of a durable weatherproof material, shall be installed on the northern or western aspect of the property, a minimum of 4.0m above ground level and not directly above a window or door. The nesting feature shall thereafter be retained.
Reason: To ensure that the development delivers biodiversity net gain in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide and Chapter 15 of the National Planning Policy Framework.

Note: Construction Site Working Times. 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. 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: Footway crossing. The developer is advised that notwithstanding this permission, the consent of the Council acting as Highway Authority will be required for the works to form any new or extended footway crossing.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			13-Dec-2021
Floorplans as existing	100		06-Dec-2021
Elevations as existing	101		06-Dec-2021
Floor plans as proposed	102	C	04-Apr-2022
Elevations as proposed	103	D	19-Apr-2022
Location plan	104		06-Dec-2021
Site and location plan as proposed	105	E	19-Apr-2022
Floor plans as proposed (overlay)	106	C	04-Apr-2022
Elevations as proposed (overlay)	107	C	04-Apr-2022

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 amended plans reducing the scale and footprint of the proposed development in the interests of visual and residential amenity and clarifying the parking and waste collection arrangements.

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: 03-May-2022

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 2021/62/94537/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL