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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/91553/W

To: Z Afzal
29, Gernhill Avenue
Fixby
Huddersfield
HD2 2HR

For: Z Afzal

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:-

VARIATION OF CONDITION 2 (PLANS AND SPECIFICATION) ON PREVIOUS PERMISSION 2021/90888 DEMOLITION OF EXISTING DWELLING AND ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE

At: 29, GERNHILL AVENUE, FIXBY, HUDDERSFIELD, HD2 2HR

In accordance with the plan(s) and applications submitted to the Council on 13-May-2022 [together with those plans and application(s) submitted to the Council on [02-Mar-2021 and incorporated into planning permission 2021/90888 granted on 09-Jul-2021] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun before 8th July 2024.
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 LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP33, LP51 and LP52 of the Kirklees Local Plan and Chapters 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, as well as the Kirklees Highways Design Guide SPD and Kirklees Housebuilders Design Guide SPD.

3. Prior to construction of dwelling hereby approved above slab level, details of all the external facing and roofing materials of the dwelling, as well as the finishing materials for the retaining wall of the rear courtyard shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling and retaining wall shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD.

4. Prior to the first occupation of the dwelling hereby approved, and notwithstanding the hard landscaping details in Drawing No. P-3 received on 27th April 2021 pursuant to application 2021/90888, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for hard landscaping the site shall include:

- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps; and
- the position, height and materials of means of enclosure/boundary treatments including privacy screens.

The hard landscaping elements shall be retained as such thereafter.
Reason: To ensure the creation of a pleasant environment for the development, in the interests of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 2 of the Kirklees Housebuilders Design Guide SPD

5. Prior to the first occupation of the dwelling hereby approved, the areas indicated to be used for parking and private driveway on Drawing No. P-3 received on 27th April 2021 pursuant to application 2021/90888 shall be 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 as amended or any successor guidance. 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 parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework, as well as Principle 12 of the Kirklees Housebuilders Design Guide SPD.

6. Prior to the first occupation of the dwelling hereby approved, one electric vehicle recharging point shall be installed within the dedicated parking area. 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, as well as Principle 18 of the Kirklees Housebuilders Design Guide SPD.

7. The development shall be carried out in strict accordance with the ecological measures outlined Section 11 (Mitigation and Compensation Measures) of the Bat Scoping Survey by John Gardner dated 23rd March 2021 pursuant to application 2021/90888 and shall be retained as such thereafter**.**
Reason: To prevent disturbance of protected species and retain ecological functions of the Kirklees Wildlife Habitat Network and to ensure a biodiversity net gain, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework, as well as Principle 9 of the Kirklees Housebuilders Design Guide SPD.

8. Prior to the commencement of development hereby approved (including demolition), on site protective fencing in accordance with BS5837 shall be erected in accordance with the Tree Protection Plan (Drawing No. T-1) pursuant to application 2021/90888. The red dashed area contained by the protective fencing as displayed on this plan will be a construction exclusion zone where no machinery, soil, materials or equipment will be stored during the development. The fencing shall remain in place throughout the construction phase and only be removed once construction is complete. Reason: This is a pre-commencement condition to protect trees during the whole demolition and construction period in the interests of visual amenity and to accord with the Policy LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
Reason: To protect trees in the interests of visual amenity and to accord with the Policy LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 2 of the Kirklees Housebuilders Design Guide SPD.

9. Prior to the commencement of development hereby approved (including demolition), a culvert ground protection mat shall be laid out in accordance with the Culvert Protection Plan (Drawing No. C-1) pursuant to application 2021/90888. The mat will be a construction exclusion zone where no machinery, soil, materials or equipment will be stored during the development. The mat shall remain in place throughout the construction phase and only be removed once construction is complete.
Reason: To prevent the risk of flooding on the site and elsewhere arising from damage to the culvert, in the interests of amenity and environmental well-being, and to accord with Policy LP28 and the National Planning Policy Framework.

10. 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, 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 prevent further development of the site, which could materially harm the visual amenity of the site and the amenity of neighbouring residents, to mitigate flood risk through potential damage to the culvert crossing the site to comply with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework, as well as Principles 2 and 6 of the Kirklees Housebuilders Design Guide SPD.

11. Prior to the first occupation of the dwelling hereby approved, any windows above ground floor level in the west side elevation of the development hereby approved shall be fixed shut (unless parts of the windows which can be opened are more than 1.7 metres above floor level), and obscure glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 6 of the Kirklees Housebuilders Design Guide SPD.

12. Prior to the first occupation of the dwelling hereby approved, the first floor bay windows on the rear elevation detailed as to be obscurely glazed on Drawing No. P-2 received from the applicant pursuant to application 2021/90888 shall be fixed shut (unless parts of the windows which can be opened are more than 1.7 metres above floor level), and obscure glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 6 of the Kirklees Housebuilders Design Guide SPD.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

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: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form pursuant to application 2021/90888	-	-	3rd March 2021
Location Plan pursuant to application 2021/90888	P-4	-	3rd March 2021
Proposed Floor Plans	P1	-	25th July 2022
Proposed Elevations	P2	-	25th July 2022
Culvert Report pursuant to application 2021/90888	-	-	24th May 2021
Culvert Location Plan pursuant to application 2021/90888	-	-	28th May 2021
Bat Scoping Survey by John Gardner	-	-	24th May 2021

dated 23rd March 2021 pursuant to application 2021/90888			
E-mail from applicant on 11th June 2021 detailing proposed roofing materials pursuant to application 2021/90888	-	-	11th June 2021
Tree Protection Plan pursuant to application 2021/90888	T-1	-	23rd June 2021
Culvert Protection Plan pursuant to application 2021/90888	C-1	-	23rd June 2021
Interpretive Report on a Ground Investigation by GEOENVIRO Solutions Limited dated May 2021	GES 1402-21	-	6th May 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. Amended plans were provided after Officers requested clarity on matters and the scheme was considered acceptable following receipt of such plans.

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 Telephone: (01484) 221550 for more information.

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 refuse permission for the proposed development or 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 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:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from 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: 02-Aug-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 and view existing planning applications and decisions' and by searching for application number 2022/70/91553/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
