Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/94100/W

To: M Walker,
Brunswick Architectural
Unit 7
Railway Sawmills
Burbeary Road
Huddersfield
HD1 3UN

For: J Duxbury

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:-

DEMOLITION OF EXISTING GARAGE AND ERECTION OF DETACHED GARAGE, ALTERATIONS TO THE ACCESS, BOUNDARY WALL AND ERECTION OF ELECTRONIC GATE.(WITHIN A CONSERVATION AREA)

At: THE SYCAMORES, 12, CHURCH STREET, GOLCAR, HUDDERSFIELD, HD7 4AH

In accordance with the plan(s) and applications submitted to the Council on 12-Jan-2023, 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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP27, LP28, LP30, LP33 and LP35 and LP52 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. Before development to commence the hard surfaces and parking spaces hereby approved, notwithstanding the 'Arboricultural Method Statement to BS 5837:2012 by AWA Tree Consultants. Reference: AWA5589AMS. Dated: August 2023. Amended.', a detailed/final version of this report including, but not limited to, the details of the "no dig" geocell type construction within the Root Protection Area of T26 and for the porous hardsurfacing of the area hatched on the approved site plan, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved and retained.
Reason: To ensure the continued health of significant amenity trees and to avoid adverse additional impact to the roots of the protected trees within Golcar Conservation Area, in the interests of highway safety and to mitigate flood risk and to accord with Policies LP21, LP22, LP27, LP28, LP33 and LP34 of the Kirklees Local Plan and to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD' and Chapter 12 of the National Planning Policy Framework.

4. The external natural stone walls and artificial slate roofing materials of the single-storey outbuilding hereby approved shall in all respects match those used in the construction of the existing dwelling.
Reason: In the interests of visual amenity and to retain the significance of the Golcar Conservation Area and to accord with Policies LP02, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

5. Before the hardsurface and parking spaces permitted are first brought into use, the construction of the new stone boundary wall section hereby permitted shall be entirely constructed using, as far as practicable, the natural stone and coping recovered from the existing boundary wall. Any new stone walling or coping required shall harmonise with the colour, facing and course depth of the existing coursed stonework and flat stone coping and be retained as such thereafter.
Reason: In the interests of visual amenity and historic amenity of Golcar Conservation Area and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: 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.

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 notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
Location Plan.	Drawing No. 22_150	Unamended	09/01/2023
Existing Site Plan.	Drawing no. 22_150.0.	Unamended	09/01/2023
Existing Floor and Elevation Plans of the Outbuilding.	Drawing no. 22_150.5.	Amended.	24/08/2023
Existing and Proposed Boundary Wall and Gate Elevation Plans.	Drawing no. 22_150.4B.	Amended	15/12/2023
Proposed Site Plan.	Drawing no. 22_150.0.1D.	Amended.	24/08/2023
Proposed Floor and Elevation Plans of Outbuilding.	Drawing no. 22_150.6.	Amended.	24/08/2023
General	Artist Impression (of existing)	-	11/01/2023
Supp Info – Trees	Arboricultural Method Statement to BS 5837:2012 by AWA Tree Consultants. Reference: AWA5589AMS. Dated: August 2023.	Amended.	31/10/2023
Supp Info – Trees	Arboricultural Report & Impact Assessment to BS 5837:2012 by AWA Tree Consultants. Ref: AWA5589. Dated 16th August 2023.	Amended.	31/10/2023
Design and Access Statement (original proposal, for information only)	Design and Access Statement by Brunswick Architectural.	Unamended	09/01/2023

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 Officer entered negotiations to reduce the impact on Golcar Conservation Area and to trees of significant amenity within the site.

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.**

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

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/appeal-planning-decision. 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-Dec-2023

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 2022/62/94100/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
