Planning Application Decision Notice

To: D Robinson
315, Long Lane
Dalton
Huddersfield
HD5 9SP

For: D Robinson

Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90512/W

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 DETACHED BUILDINGS AND ERECTION OF DETACHED GARAGE

At: 315, LONG LANE, DALTON, HUDDERSFIELD, HD5 9SP

In accordance with the plan(s), documents and application submitted to the Council on 23-Feb-2023, except as amended or specified, details of which can be found in the table below and 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, LP31, LP33, LP34 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. Prior to the hereby approved outbuilding being first brought into use, the driveway set out within the hereby approved 'Drawing No. 0154/2023 – 02 Rev A.' 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 the parking of vehicles.
Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD' and Chapter 14 of the NPPF.

NOTE FROM NORTHERN GAS NETWORKS: You must be aware of the high pressure main gas pipe. The BDP on the main is 14 metres which means that nothing can be built within 14 metres of it. In order to discuss the safety aspects of your intended work and to determine if a Site Visit will be required, at least 28 days prior to commencing any ground works in the vicinity of our buried asset, you must contact the local Plant Protection Officer at Northern Gas Networks (Chris Wright: 07935 077 424).

Damaging gas pipes is dangerous and potentially expensive. Not only could it lead to a fire or explosion, it could result in the loss of the gas supply to local communities. Safety is therefore Northern Gas Network's top priority. They need to ensure no-one damages their equipment and puts either themselves or members of the public at risk. Their work in this area is encapsulated in the Pipeline Safety Regulations, and by the Northern Gas Network's safety case, which is approved by the Health and Safety Executive (HSE).

The website of Northern Gas Networks (www.northerngasnetworks.co.uk) has safety guidance booklets that can be downloaded to assist you when carrying out any works. Please use these as reference guides prior to commencing works. Should you have any difficulty in downloading these documents, please either call 0800 040 7766, option 5, or via email: beforeyoudig@northerngas.co.uk
The guidance documents include the following:
1. Safe working in the vicinity of high pressure gas pipelines and associated installations
2. Avoiding injury when working near gas pipes up to 7 bar
3. Avoiding injury when working near gas pipes

You must not carry out any ground works within 3 metres of the Buried High Pressure or Intermediate Pressure assets without Northern Gas Networks consent.
If at any point during your works, you smell gas, call the National Gas Emergency Service immediately on the Freephone 0800 111 999.

Examples of higher risk works are, but not limited to, the following:

- Any excavation works within 0.5m of low/medium pressure mains and 3m of intermediate and high pressure mains (the distance is measured from the proven position of the gas main).
- Demolition works within 15m of low/medium pressure mains and 150m of intermediate and high pressure mains.
- The use of explosives within 30m of low/medium pressure mains and 250m of intermediate and high pressure mains.

- Excavations within 10m of a pressure reduction unit.
- Excavations deeper than 1.5m.
- Heavy loading e.g., cranes, spoil deposits and heavy construction traffic.

NOTE: Following communication with NGN to withdraw their objection, in avoidance of all doubt, it is advised that there should be no explosive blasting within 250 metres of the pipeline, there will be no new trees planted within 10 metres of the pipeline, there will be no groundworks within 10 metres of the pipeline and there will be no new balancing ponds or drainage within 7 metres of the pipeline. Plans must be completed in accordance with condition 2 of the planning permission and any other variation must not be carried out until the Local Planning Authority is able to provide written confirmation of this.

NOTE: 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
Existing Location and Elevation Plans and Proposed Site, Floor, Section and Elevation Plans.	Drawing No. 0154/2023 - 02.	A	15/02/2023
Climate Change Statement	-	-	23/02/2023

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. No amendments/further information were sought during the course of the application.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Building Regulations

- 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. Please contact Kirklees Building Control on 01484 221550 or via e-mail to building.control@kirklees.gov.uk, alternatively visit www.kirklees.gov.uk/pbc for more information.

Site Notice

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local area.

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.

Amendment(s) to Approved Plans

- This permission relates to the plans and documents listed on this decision notice. Should the proposal change significantly, a new application will be required.

- If however the change proposed is small, such as an altered window or door, you can apply for the change to be considered as a non-material amendment. The forms and supporting guidance for non material amendments are available online at the Planning Portal's website at www.planningportal.gov.uk, alternatively the forms can also be found at www.kirklees.gov.uk/planning.

Highways Structures

- 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.

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.

- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision to impose planning conditions then you must do so within 6 months of the date of this notice.

- 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 28 days of the date of service of the enforcement notice.

- 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-householder-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 the owner 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 the owner's interest in the land
in accordance with the provisions of Chapter I 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-May-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 2023/62/90512/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