



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90641/W

**To: Tony Bowling,
Farrar Bamforth Associates
51, Trinity Street
Huddersfield
HD1 4DN**

For: TONY BOWLING, FARRAR BAMFORTH ASSOCIATES

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 2 DWELLINGS AND PARTIAL DEMOLITION AND EXTENSION
OF 163 LAUND ROAD**

At: 163, LAUND ROAD, SALENDINE NOOK, HUDDERSFIELD, HD3 3TZ

In accordance with the plan(s) and applications submitted to the Council on 24-Feb-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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, 2, 21, 22, 24, 28 and 30 of the Kirklees Local Plan, Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide SPD and the Key Design Principles within the House Extensions and Alterations SPD.

3. Samples of external timber cladding and details of the colour of the render to be used in any exterior work shall be submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, before work on the superstructure of the new dwellings commences and the development shall be implemented using the approved materials. The roofing materials shall be flat profile grey tiles. The materials used on the extensions to the new dwelling shall match those used on the exterior of the existing dwelling in all respects.

Reason: In the interests of visual amenity and to accord with Policy LP24(a&c) of the Local Plan, Principle 13 of the Housebuilders' Design Guide SPD and Key Design Principles 1-2 of the House Extensions and Alterations SPD.

4. The finished floor levels of the new dwellings shall not exceed the levels shown on the approved sectional drawings reference 0210 P07.

Reason: For the avoidance of doubt, to ensure the development is in character with its surroundings and to avoid adverse impacts on adjacent land and property, and in accordance with the aims of Policy LP24(a & c) of the Local Plan.

5. Before any new dwelling is first brought into use, the access track shall be formed in accordance with the details shown on the approved site plan, and all areas to be used for the parking and manoeuvring of vehicles, and the bin presentation point, as indicated on the approved site plan shall be laid out with a hardened and drained surface. Private and visitor parking spaces shall be given a permeable 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 (ISBN 9781409804864) as amended or superseded. All areas to be used by vehicles or for the collection of wastes shall thereafter be retained and kept clear of all obstructions to their use.

Reason: To achieve a satisfactory layout in the interests of highway safety, to mitigate flood risk and to accord with the aims of Policies LP21, 22 and 28 of the Local Plan, Principle 12 and 19 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

6. 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 new attached garage to no. 163 Laund Road shall be retained as such and shall not be converted to living accommodation.

Reason: To ensure that sufficient parking space is retained for the dwelling as extended in the interests of highway safety and to accord with the aims of Policies LP21-22 of the Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

7. Notwithstanding the details on the approved plans, before any new or extended dwelling is first occupied, full details shall be submitted to and approved in writing by the Local Planning Authority of all new or retained screen walls or fences to the boundaries of the site and of any other measures to prevent overlooking of neighbouring land from windows facing the boundaries. The details shall include the location, design and height of fences or other boundary treatments, and shall indicate how they relate to finished ground levels within the site and outside it. The approved walls, fences, and any other privacy measures shall be erected, constructed, or incorporated into the design of the dwellings before the dwelling to which they relate is first occupied and thereafter retained.

Where obscure glazing and/or non-opening windows are to be used, windows of this type shall be retained thereafter, 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).

Reason: To ensure that the development safeguards the privacy of future and existing residents and to accord with the aims of Policy LP24(b) of the Local Plan, Principle 6 of the Housebuilders Design Guide SPD.

8. One electric vehicle recharging point shall be installed within the dedicated parking area for each approved new dwelling and the extended 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 points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d(v)) of the Kirklees Local Plan, outlined within the Planning Practice Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on carbon emissions.

9. The solar arrays shown on the roofs of the new dwellings on the approved site plan shall be installed on each new dwelling and made operational before the dwelling to which it relates is first occupied and shall be thereafter retained.

Reason: To ensure that the development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reduce the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

10. Before any new dwelling is first brought into use, a comprehensive scheme for the landscaping of the site including, notwithstanding the requirements of condition 7, boundary treatments and an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority, which shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.
- b. 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.
- c. Details of the design of all new and retained boundary treatments, and demonstrating, where appropriate, that these will not obstruct the movement of hedgehogs.
- d. Planting schedule, phasing 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.
- e. timescale for the implementation of the scheme
- f. Details of maintenance.

The approved landscaping scheme and EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. In the event of any tree or shrub approved as part of the landscaping scheme dying or becoming diseased within five years of its substantial completion, it shall be replaced with another of the same species and variety, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of enhancing the biodiversity of the site and to accord with the aims of Policy LP30(ii) of the Kirklees Local Plan, and Principle 9 of the Kirklees Housebuilders Design Guide SPD and the National Planning Policy Framework – Conserving and enhancing the natural environment.

11. 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 development falling within Classes A, B or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the curtilages of the two new dwellings hereby approved 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 preventing inappropriate extensions or outbuildings giving rise to the appearance of overdevelopment of the site and to accord with the aims of Policy LP24 of the Kirklees Local Plan.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			27-Feb-2023
Location plan	0101	P02	27-Feb-2023
Survey drawing	FBA_236_Laund Rd		27-Feb-2023
Tree constraints plan	18505/LW Appendix 5		27-Feb-2023
Proposed demolition	0703	P02	27-Feb-2023
163 Laund Road as proposed	0702	P06	27-Feb-2023
Bat emergence report			27-Feb-2023
Preliminary ecological			01-Mar-2023

Plan Type	Reference	Version	Date Received
appraisal			
Preliminary contamination risk assessment	GEOL22-8338		04-Apr-2023
Planning statement (earlier scheme)			05-May-2023
Site plan as proposed	9110	P05	26-Oct-2023
Site layout with floorplans	9004	P02	26-Oct-2023
Proposed plans and elevations	2000	P04	26-Oct-2023
Existing and proposed site sections	0210	P07	27-Nov-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 case officer requested multiple amendments reducing the scale and number of units within the new residential development in the interest of ensuring that it would not have an adverse impact on visual or residential amenity.

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

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/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: 13-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 2023/62/90641/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
