Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90816/W

To: **Edward Gribbin,**
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: Mr & Mrs Wolstencroft

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 BUILDING AND ERECTION OF DWELLING WITH ASSOCIATED EXTERNAL WORKS AND ERECTION OF DETACHED GARAGE

At: 2, HOLLIN HALL LANE, SCAPEGOAT HILL, HUDDERSFIELD, HD7 4PF

In accordance with the plan(s) and applications submitted to the Council on 21-Mar-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 Policies LP21, 22, 24, 30 and 35 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders' Design Guide SPD (HDG SPD) and Chapters 11, 12 and 15 of the National Planning Policy Framework.

3. Details of all external facing materials shall be left on site for the inspection of the Local Planning Authority, before work commences on the superstructure of the approved development, and the development shall be undertaken using the approved materials. In the event that any boundary or retaining walls within the site require partial or complete rebuilding, this shall be undertaken using the existing stone, or with stone to match the existing in all respects.
Reason: In the interests of visual amenity and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

4. 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 extensions or outbuildings falling within Part 1, Class A, B, or E of said Order shall be erected or constructed within the land edged in red on the approved location plan.
Reason: To retain adequate planning control over the site in the interests of ensuring that uncontrolled extensions and outbuildings do not give rise to harm to the openness of the Green Belt and to accord with the aims of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

5. Prior to the development being brought into use, the areas to be used for the parking and manoeuvring of vehicles as indicated on the block plan 20(003) Revision B shall be laid out with a hardened and drained surface. Any new or replacement hard surfacing shall be formed 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. These shall thereafter be retained and kept clear of all obstructions to their use for the parking of vehicles.
Reason: To achieve a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk as a result of increased run-off and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Prior to the development being brought into use, the areas indicated to be used for the storage and collection of wastes on the block plan 20(003) Revision B shall be provided and laid out with a hardened and drained surface, and shall thereafter be retained as such, free from obstructions to their use for the storage and collection of wastes.
Reason: To ensure that adequate facilities are retained for the separation, storage and collection of wastes in accordance with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

7. Prior to the development being brought into use, one electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby approved dwelling. 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 LP24(d)(v) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and government guidance on air quality mitigation, 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 carbon emissions.

8. Prior to the development being brought into use, an Ecological Design Strategy shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of measures to enhance the biodiversity of the site and a timetable for their implementation. The Ecological Design Strategy thus approved shall be implemented in full accordance with the approved details and all measures thereafter retained as such.
Reason: To ensure the proposals provide suitable ecological enhancements in accordance with Policy LP30 of the Local Plan, Principle 9 of Housebuilders' Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

9. Prior to the development being brought into use, evidence shall be submitted to and approved in writing by the Local Planning Authority that the existing or proposed septic tank (or alternative means of sewage disposal and treatment) is of adequate capacity to serve the proposed development. The septic tank thus approved shall be made operational before the new dwelling is first occupied and thereafter retained as such.
Reason: To ensure that appropriate facilities for the disposal and treatment of sewage are incorporated into the development in the interests of residential amenity and preventing pollution of the environment, and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

FOOTNOTE The public bridleway COL/240/20 shall not be obstructed or unofficially diverted at any time before, during or after development.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			14-Mar-2023
Location plan	(EX)002		21-Mar-2023
Block plan	(20)003	B	11-Jul-2023
Location Plan	(EX)002		14-Mar-2023
Plans and elevations as existing	(EX)001	A	14-Jun-2023
Plans and elevations as proposed	(20)001	B	29-Jun-2023
Garage plans and elevations	(20)002		14-Mar-2023
Proposed section	Green roof detail		14-Jun-2023
Proposed visualisation			14-Jun-2023
Climate change statement			14-Mar-2023
Climate change and drainage – supporting information			14-Jun-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 additional plans to clarify the relative size of the existing and proposed buildings and measures to combat climate change.

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.**

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 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: 12-Jul-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 2023/62/90816/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
