Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91173/W

To: **Michael Owens,**
Fibre Architects Ltd
Buckden Mount
8, Thornhill Road
Edgerton
Huddersfield
HD3 3AU

For: D WATERSON

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:-

CONVERSION AND ADAPTION OF AN EXISTING LISTED BARN TO FORM A NEW DWELLING WITH ASSOCIATED CAR PARKING AND EXTERNAL WORKS [LISTED BUILDING].

At: 749, NEW HEY ROAD, OUTLANE, HUDDERSFIELD, HD3 3YL

In accordance with the plan(s) and applications submitted to the Council on 18-Apr-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 LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30, LP33, LP35, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Chapters 2, 5, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schewegler type 1FR bat boxes, shall be installed to the converted barn during the period of conversion on the southern (side) elevation, at least 4m above ground level and not directly above any doors or windows. 1 additional new bat tube similar to the Schewegler type 1FR bat boxes shall also be installed to the eastern (front) elevation of no. 749 New Hey Road, at least 3m above ground level and not directly above any doors or windows. Thereafter the bat tubes shall be retained.
Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

4. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition where such details are required before works commence to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (4) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Before the hereby approved dwelling is first brought into use, one electric vehicle recharging point to serve the converted barn and the existing dwelling shall be provided within the dedicated parking areas to serve each of the dwellings (two in total). Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: In the interest of supporting and encouraging low emission vehicles. In the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework (NPPF) and Principle 18 of the Housebuilders Design Guide SPD.

10. Before any demolition and/or construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and/or construction phase of the development shall be implemented in accordance with those detailed in Table 21 of the Air Quality Assessment by Redmore Environmental (ref: 6042r1) (dated: 3rd October 2022) and retained for the duration of the demolition and/or construction period.
Reason: This is a pre-commencement condition to ensure that suitable mitigation measures are in place before works commence to safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the NPPF and LP52 of the Kirklees Local Plan.

11. Before the development is first brought into use, all works which form part of Noise Impact Assessment authored by Nova Acoustics dated October 2022 Ref 8428MB relevant to the development hereby approved:

a) shall be completed; and
a) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby sources of noise generating activity to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. 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, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan as Existing (drawing no. EX0001 Rev A) without the prior written consent of the Local Planning Authority.
Reason: To ensure that no incongruous or discordant additions can be made to what is a traditional building of simple construction, in the interests of visual amenity and to ensure that the setting and significance of heritage assets are protected in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

13. 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 additional doors, windows or any other openings (apart from expressly allowed by this permission) shall be created in any of the elevations or roof of the dwelling hereby approved.
Reason: To ensure that the visual appearance of the simple and traditional host building is not lost by further installations into the elevations or roof, and to protect and enhance the setting and significance of heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

14. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: This is a pre-commencement condition in the interests of highway safety and the amenities of nearby occupiers of residential property to ensure that appropriate arrangements are in place to support the development throughout the construction period and to accord with Chapters 9 and 15 of the National Planning Policy Framework and Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

15. Prior to the occupation of the dwelling hereby approved, details of suitable bin storage, bin presentation points and access for collection of wastes from the dwelling hereby approved and the existing dwelling at no. 749 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the new dwelling and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi), Chapter 9 of the National Planning Policy Framework and Principle 19 of the Housebuilders Design Guide SPD.

16. The dwelling hereby approved shall not be occupied until an automated residential sprinkler system has been installed and made to be operational. Once installed and made to be operational, this shall be retained thereafter.
Reason: To ensure appropriate arrangements for fire safety are in place at the site in the interests of health, wellbeing and safety of future occupiers of the development. In accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

NOTE: Electric Vehicle Charging Points -

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of *"Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)"* by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

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.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The applicant is advised that the site lies within 250m of a former closed landfill site. While no levels of methane (CH4) were detected during the last shallow spike surveys in 1996 at the nearby historic landfill site, the applicant may wish to carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are present/significant. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

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 (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.

The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens **(parking areas)'** published 13th May 2009 (ISBN 9781409804864) as amended or superseded. www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE re condition 15: Guidance provided by the Kirklees Waste strategy team indicates that a refuse collection vehicle will not usually traverse a private driveway that is not constructed to adoptable standards and that the bins should be presented for collection within 8m of the adopted highway. The locations presented within the drawing do not conform to this guidance and there is no indication where a suitable bin collection point could be located, and we would not wish to see the bins left obstructing the adopted footway for highway safety reasons. The current bin storage locations are approximately 50m from the adopted and this would become an issue for the waste collection team if they were to need to supply an assist service for either dwelling. We would recommend that the applicant contacts waste.strategy@kirklees.gov.uk as the earliest opportunity to resolve these issues.

NOTE: It should be noted that the access is unadopted and in private ownership. The granting of planning permission does not convey authority to extinguish or alter any private rights of access or other covenants on or over land which would need to be resolved outwith the scope of planning legislation.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan as Existing	EX0001	A	19th April 2023
Site Plan as Existing	EX002	C	19th April 2023
Information as Existing House and Barns A+B	EX006	C	19th April 2023
Site Plan as Proposed	AL0002	C	29th September 2023
Demolitions as Proposed	AL0004	C	29th September 2023
Information as Proposed	AL0006	B	29th September 2023
Noise Impact Assessment – Supporting Information	8428MB	001	19th April 2023
Air Quality Assessment – Supporting Information	6042r1	1	19th April 2023
Climate Change Statement – Supporting Information	-	-	19th April 2023
3D Visuals Proposed Barn Conversion – Supporting Information	-	-	29th September 2023
Design & Access Statement – Supporting Information	-	B	19th April 2023

Schedule of Works – Supporting Information	-	-	29th September 2023
Arboricultural Impact Assessment – Supporting Information	AIA-1749-1	-	24th October 2023
Heritage Assessment – Supporting Information	-	-	19th April 2023
Precedent Study – Supporting Information	-	-	29th September 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 has, 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. Following receipt of comments received from consultees, amended plans have been received during the course of this planning application in respect of access, trees and the overall scale and design of the proposed extension and works to the existing barn.

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: 21-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 2023/62/91173/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
