Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91337/W

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

For: Northpoint Living Developments Ltd

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 4 DETACHED DWELLINGS (WITHIN CURTILAGE OF A LISTED BUILDING)

At: ACRE HOUSE, ACRE STREET, LINDLEY, HUDDERSFIELD, HD3 3EA

In accordance with the plan(s) and applications submitted to the Council on 11-May-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, as amended by the Planning and Compulsory Purchase Act 2004.

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, LP28, LP30, LP33, LP35 & LP53 of the Kirklees Local Plan, Principles 2, 6, 7, 8, 13, 14, 15, 16, 17, 18 & 19 of the Housebuilders' Design Guide SPD and policies within Chapters 6, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. Samples of the facing and roofing materials shall be left on site for inspection, and a scheme submitted to, and approved in writing by, the Local Planning Authority before works to construct the superstructure of any of the plot commences. The development shall be undertaken in accordance with the approved scheme and thereafter retained.
Reason: In the interests of visual amenity, to ensure that the setting of the Listed Building is conserved and enhanced, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. Details of the surfacing of the access road within the site shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings are first occupied. The access road shall be surfaced in accordance with the approved details before any dwelling is first occupied and shall thereafter be retained as such.
Reason: In the interests of the setting of the Listed Building and highway safety and to accord with Policies LP35 and LP21 of the Kirklees Local Plan and policy within Chapter 16 of the National Planning Policy Framework.

5. A scheme detailing foul, surface water and land drainage, (including any off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to and approved in writing by the Local Planning Authority before development commences. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development (or each agreed phasing of the development). The approved drainage scheme shall thereafter be retained as such.
Reason: This is a pre-commencement condition to ensure the provision of adequate and sustainable systems of drainage at the construction stage in the interests of environmental well-being and the mitigation of flood risk and to accord with Policy LP28 of the Kirklees Local Plan and policy within Chapter 14 of the National Planning Policy Framework.

6. A biodiversity management plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction of Plots 1-4 above foundation level. The content of the BMP shall include the following:-

a. Description and evaluation of features to be managed.
b. Ecological trends and constraints on site that might influence management.
c. Aims and objectives of management.
d. Appropriate management options for achieving aims and objectives.
e. Prescriptions for management actions.
f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g. Details of the body or organization responsible for implementation of the plan.
h. Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body / bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.
Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework.

7. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure unacceptable risks to human health and the environment have been addressed and to accord with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

8. Notwithstanding the approved site layout plan, revised details of the boundary treatment to the southern site boundary (adjacent public footpath Huddersfield 349) shall be submitted to and approved in writing by the Local Planning Authority before works to construct Plot 4 commence. The boundary treatment so approved shall be provided before Plot 4 is occupied and shall thereafter be retained as such.
Reason: In the interests of the amenity of users of the public footpath and to accord with Policies LP20 and 24 of the Kirklees Local Plan.

9. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby approved 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 point so installed shall thereafter be retained.
Reason: To mitigate the impact of the development on air quality and climate change and to accord with Policy LP24(d) of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

10. The private vehicle parking areas and the areas shown to be provided for the storage and collection of wastes on the approved site plan shall be surfaced and drained before the dwelling to which they relate is first occupied and shall thereafter be retained as such.
Reason: In the interests of highway safety and to accord with Policy LP21 and LP22 of the Kirklees Local Plan and Principles 12 and 19 of the Housebuilders' Design Guide SPD.

11. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no buildings or extensions falling within Classes A-E of that Order shall be erected within Plots 1-4 at any time.
Reason: To ensure that extensions and additions to these plots do not result in a form of development that would harm the setting of the adjacent listed building or would prejudice the viability of protected trees within/adjacent to the site, to accord with Policies LP35 and LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

12. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the integral garages to Plots 1, 3 and 4 shall be retained for vehicular parking only and shall not be converted to living accommodation or used for any other purpose.
Reason: To ensure that adequate parking is retained at all times in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders' Design Guide SPD.

13. Notwithstanding the submitted site plan, the bollard to the pedestrian access on Acre Street is not approved. Design details of a gate to be erected to this point of access shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The gate shall be provided in accordance with the approved details before any dwelling is occupied and thereafter retained as such.
Reason: To preserve the significance of the designated heritage asset and to enhance the security of the development. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			17-May-2023
Location plan	21D17-0101-P02		17-May-2023
Plot 2 floorplans and elevations	21D17-0702-P03		17-May-2023
Plots 1-3 floorplans and elevations	21D17-0703-P04		17-May-2023
Garage floorplan and elevations	21D17-0704-P02		17-May-2023
Site plan as existing	FBA_204_Acre House		17-May-2023
Proposed site layout	21-D17-0701-P03		17-Jul-2023
Heritage and Planning Statement	21D17		17-May-2023
Climate Change Statement			17-May-2023
Tree Survey	AHH/BS/01		17-May-2023
Preliminary Tree Survey	AHH/ML21		17-May-2023
Arboricultural Impact Assessment	190429 AIA		17-May-2023
Amended Arboricultural Method Statement	190304c MS		17-May-2023
Noise Report	NIA/8513/19/8402/v1/Acre House		17-May-2023
Climate Change Statement			17-May-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 did not request changes to design but requested an amended site plan for the purposes of clarification.

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

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: 24-Aug-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 2023/62/91337/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