Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91887/W

To: Chris Gentle,
Northlight Architecture
The Media Centre
7, Northumberland Street
Huddersfield
HD1 1RL

For: Connah Construction

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 TWO DWELLINGS

At: ADJ, 5, FERNSIDE AVENUE, ALMONDBURY, HUDDERSFIELD, HD5 8NR

In accordance with the plan(s) and applications submitted to the Council on 23-Jun-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, LP21, LP22, LP24, LP28, LP30, and LP35 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide SPD.

3. Samples of all facing and roofing materials shall be left on site for the inspection of, and approved in writing by, the Local Planning Authority, before work on the superstructure of the new build commences and the development shall be completed using the approved materials.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

4. Gutters shall be supported by corbels and shall not be fixed to a fascia board.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

5. Gable ends shall be terminated with a mortar joint and without bargeboards.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

6. Prior to any new dwelling being occupied, the areas shown to be used for the parking and turning of vehicles within the site, as shown on the submitted vehicle tracking plan, shall be surfaced and drained. Parking and turning spaces shall be surfaced 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, unless arrangements have been made to discharge run-off water from the parking spaces to a soakaway within the site. The areas used for the parking and turning of vehicles shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.
Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

7. The areas indicated to be used on the proposed site plan for the storage and collection of wastes shall be laid out with a hard surface and made available for use before the dwelling to which they relate is first occupied, and shall thereafter be retained as such, free from obstructions to the storage and collection of wastes.
Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety and efficiency or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

8. One electric vehicle recharging point shall be installed within the dedicated parking area for each of the approved dwellings before the dwelling to which the recharging point relates 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, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Chapter 14 of the National Planning Policy Framework, to promote infrastructure which encourages modes of transport with low carbon emissions.

9. Notwithstanding the details on the approved site plan, details shall be submitted to and approved in writing by the local planning authority before any new dwelling is first occupied of the boundary treatments for the site, including any existing boundary fences or walls to be retained. The approved boundary treatments, including those forming the boundaries to the garden plots of the new dwellings, shall be erected or installed before any new dwelling is first occupied and thereafter retained as such.
Reason: In the interests of visual amenity, to protect the privacy of existing and future residents, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Principle 5 of the Kirklees Housebuilders Design Guide SPD.

10. A minimum of one house sparrow nesting feature (Schwegler 1SP sparrow terrace, or similar) shall be installed on the rear elevation of the new development at eaves level, and not directly above a door or window, before any part of the new development is first brought into use. The feature shall be retained thereafter.
Reason: To ensure that biodiversity net gain is delivered in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

11. Before development commences, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.
Reason: This is a pre-commencement condition to ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP26 of the Kirklees Local Plan and Principle 18 of the Kirklees Housebuilders Design Guide SPD.

12. 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 development falling within Classes A, B or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the land edged in red on the approved location plan 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 leading to a loss of visual or residential amenity arising from overdevelopment or overbearing impact, or negative impact upon the setting of the Listed Buildings, 1-3 Fernside Avenue, and to accord with the aims of Policies LP24 and 35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

13. 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works on site 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 whole 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 that the development does not lead to pollution of the environment or harm to human health, and to accord with the aims of Policy LP53 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: As a precautionary measure, it is recommended that the removal of roof tiles be undertaken by hand before the existing building is demolished, so as to eliminate the risk of bats being accidentally harmed during the demolition process.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			26-Jun-2023
Existing site / block plan	(EX)01	B	26-Jun-2023
Existing plans and elevations	(EX)02		26-Jun-2023
Proposed site and block plan	(AL)01	F	03-Oct-2023
Proposed ground floor plan	(AL)02		26-Jun-2023
Proposed first floor plan	(AL)03		26-Jun-2023
Proposed Elevations	(AL)04	A	26-Jun-2023
Vehicle tracking plan	1438-01	A	26-Jun-2023
Access statement	1438		26-Jun-2023
Bat survey report	John Gardner		26-Jun-2023
Climate change statement			26-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 amendments to the layout in the interests of ensuring that satisfactory refuse storage and disposal arrangements would be incorporated into the scheme.

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

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: 16-Oct-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 2023/62/91887/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
