Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/92703/W

To: J Carter-Brown
19, Yew Tree Road
Birchencliffe
Huddersfield
HD3 3QT

For: J CARTER-BROWN

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:-

CHANGE OF USE AND ERECTION OF EXTENSIONS AND ALTERATIONS TO FORMER WATER TREATMENT BUILDING TO FORM ONE DWELLING

At: FORMER WATERWORKS, HOLMFIELD ROAD, LONGWOOD, HUDDERSFIELD, HD3 4TY

In accordance with the plan(s) and applications submitted to the Council on 12-Dec-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: To ensure compliance with 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, LP23, LP24, LP26, LP30, LP33, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 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. 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 pre-commencement condition is required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. 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 (that part of) 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Notwithstanding the approved plans and information, 1 new sparrow terrace bird box shall be installed to the hereby approved dwelling, during the period of construction on the southern elevation at least 5 metres above ground level and not directly above any doors or windows, with 2 additional woodcrete starling nest boxes to be erected on remaining trees. A further 2 bat boxes in the form of the Schwegler type 1FQ or similar shall also be installed to the dwelling on both the north and south gables at least 5 metres above ground level and not directly above any doors or windows. The development shall not be brought into use until the bird and bat boxes have been installed which shall be retained thereafter.
Reason: To enhance opportunities for biodiversity at the site and to accord with policy 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.

9. Details of any resurfacing works to public footpath HUD/428/50 shall be submitted to and approved in writing by the Local Planning Authority before any works to resurface any part of the footpath commence. Any resurfacing shall then be carried out in accordance with the approved details, completed before the development is brought into use, and thereafter retained.
Reason: In the interests of highway safety and to accord with policies contained within Chapter 9 of the National Planning Policy Framework and policy LP21 of the Kirklees Local Plan.

10. The development shall be carried out strictly in accordance with the hereby approved Biodiversity Mitigation and Enhancement, by Jeff Keenlyside, dated 21st December 2015, received 12th December 2023 which shall be completed before the development is first brought into use and retained thereafter.
Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with policy set out in Chapter 15 of the National Planning Policy Framework, policy LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoked or re-enacting that Order) no development included within Classes AA, A, B, D or 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 within drawing no. PL-01C, received 22nd September 2023, without the prior written consent of the Local Planning Authority.

Reason: To ensure that no large, overly dominant extensions or outbuildings which would have an adverse and harmful impact on the character and appearance of this simple and traditional former waterworks building or its setting can be undertaken without first being assessed by the Local Planning Authority. In addition, any further alterations or additions could impact on the openness of the Green Belt and result in further domestication of the site and to accord with policies LP1, LP2, LP11, LP24, LP57 and LP60 of the Kirklees Local Plan, policies within Chapters 12, 13 and 15 of the National Planning Policy Framework and Principles 2, 6, 14 and 15 of the Housebuilders Design Guide SPD.

12. Prior to the commencement of works on site, a scheme for the protection of users of public footpath HUD/428/50 during development works shall be submitted to and approved in writing by the Local Planning Authority. The scheme details shall include details of signing/guarding, deliveries, storage of materials, parking of vehicles, use of banksmen and protection of the footpath surface. The scheme so approved shall be implemented in full throughout the construction phase.
Reason: This pre-commencement condition is required to ensure that a scheme to protect the users of the Public Right of Way HUD/428/50 is in place at an appropriate stage of the development process, in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.

13. Other than the glazed walls and roof of the conservatory hereby approved, the materials of construction to be used within the external walls and roof of the extensions and alterations hereby approved shall be of coursed red brick to match the existing building in colour, size, texture and coursing and of grey slate roofing tiles to match the existing. Samples of the proposed walling stone and roof tiles shall be submitted to, and approved in writing by, the Local Planning Authority prior to their use. The development shall be undertaken in accordance with the details so approved and retained thereafter.
Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principle 2 of the Housebuilders Design Guide SPD.

14. Prior to the development being brought into use, the external parking areas to serve the development shall be surfaced and drained 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. Notwithstanding the provisions 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)) these areas shall be so retained, free of obstructions and available for access, parking and turning at all times.
Reason: In the interests of highway safety and to ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk, to accord with policies LP21 and LP22 of the Kirklees Local Plan, policies within Chapters 9 and 14 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

15. Before the dwelling is brought into use as scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details turning facilities for a fire tender. The turning facilities shall be constructed in accordance with the approved details. The approved scheme shall be completed before the development is brought into use. The turning facilities comprising the approved scheme shall be made available for use by vehicles at all times and shall be kept free from obstruction to such use for the lifetime of the development.
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 LP21 and LP24 of the Kirklees Local Plan, Chapters 9 and 12 of the National Planning Policy Framework.

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. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: Public footpath HUD/428/50 is the access to and adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. It is also noted that the Council's public rights of way team **do not** give authority for the change of surfacing of the footpath. The Council's public rights of way unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. The Public Rights of Way email address is publicrightsofway@kirklees.gov.uk

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.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Site Location Plan	PL-01	C	22nd September 2023
Site Location Plan	PL-01	C	4th October 2023
Existing Ground Plan	PL03	-	22nd September 2023
Existing Elevations 1 of 2 North, East & South Elevations	PL04	-	22nd September 2023
Existing Elevations 2 of 2 West Elevation & Sections A-A/B-B	PL05	-	13th October 2023
Existing Site Plan	002	-	12th September 2023
Proposed Site Plan (Trees)	007	A	22nd February 2023
Proposed Site Plan (Septic Tank)	007	A	31st October 2023
Proposed Ground & First Floor Plans	008	-	12th September 2023
Proposed Second Floor & Roof Plan	009	-	22nd February 2024
Proposed East & West Elevations	010	-	12th September 2023
Proposed North & South Elevations	011	-	12th September 2023
Proposed Sections A-A, B-B & C-C	012	-	22nd February 2024
Climate Change Statement – Supporting Information	-	-	26th September 2023
Consultation Response: Kirklees Council Conservation & Design – Supporting Information	-	-	26th September 2023
Preliminary Roost Assessment – Supporting Information	MBE/BAT/2023/119/01	-	12th December 2023
Foul Drainage Assessment Form – Supporting Information	1351186.doc	-	26th September 2023
Local Sewer Photograph – Supporting Information	-	-	26th 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.

Officers sought to request details to be shown on the submitted floor plans of the proposed terrace area, with queries also raised in regard to the level of tree removal on site. The applicant's agent responded providing an amended set of plans outlining the location of the roof terrace and level of tree removal on site. Further details were also requested in respect of access into the site and the existing Public Right of Way which currently comprises of a stile and gate.

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.**

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.

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: 17-Apr-2024

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 2023/62/92703/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