Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/92598/W

To: Anna Roper
HEM Architects
c/o Agent

For: H LOCKWOOD

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 BUILDING AND ERECTION OF SELF-BUILD DWELLING AND GARAGE (WITHIN A CONSERVATION AREA)

At: REAR OF, 35, PEEL STREET, MARSDEN, HUDDERSFIELD, HD7 6BW

In accordance with the plan(s) and applications submitted to the Council on 17-Sep-2024, 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 51 of 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, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP31, LP35, LP51, LP52 & LP53 of the Kirklees Local Plan, Key Design Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18 &19 of the Housebuilders Design Guide Supplementary Planning

Document and Chapters 2, 4, 5, 11, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. The external walls of the dwellinghouse hereby approved shall be constructed from gritstone with simple coursing and the pitched roofs shall be constructed with a slate finish. These materials shall thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The detached garage structure hereby approved shall be constructed from render, of a colour finish to match the appearance of the gritstone to the external walls of the dwellinghouse. The detached garage shall have a green roof. These materials shall thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. The rooflights to the front and rear elevations of the pitched roofs shall be conservation style rooflights which shall be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. Prior to first occupation of the dwellinghouse hereby approved the 1.8-metre-high acoustic fencing around the garden amenity space, 2-metre-high timber screening and entrance gate to garden and 1.8-metre-high stone walls and timber fencing to the yard shall be completed and thereafter retained.
Reason: In the interests of visual and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

7. The dwellinghouse hereby approved shall not be brought into use until all new areas of hard surfacing to be used for vehicles and pedestrians have been laid out with a hardened, sealed and drained surface 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 any successor guidance; 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). Should permeable or porous surfacing be intended to be used, the dwellinghouse shall not be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. Before the development is first brought into use all works specified the submitted acoustic report authored by Paul Horsley Acoustics (ref J3190-R1) (or works to an equivalent/higher level) shall be completed and thereafter retained.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

9. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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 Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. The dwelling hereby approved shall not be occupied until one bat box has been incorporated. The box shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light and at least 3 metres above ground. Once installed, the bat box shall thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 12 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document.

11. The development hereby approved shall be undertaken in accordance with the measures set out at paragraph 4.2.3 of the submitted Preliminary Ecological Appraisal Report dated December 2023.
Reason: To protect the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 12 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document.

12. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the installation of an air source heat pump does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Contaminated Land
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: Construction Site Working Times
No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan	H2336-HEM-00-ZZ-DR-A-00003	P4	17.09.2024
Existing Section AA	H2336-HEM-00-ZZ-DR-A-00010	P3	17.09.2024
Existing Section BB	H2336-HEM-00-ZZ-DR-A-00011	P3	17.09.2024
Existing Street Elevation	H2336-HEM-00-ZZ-DR-A-00020	P3	17.09.2024
Existing Front [West] Elevation	H2336-HEM-00-ZZ-DR-A-00021	P3	17.09.2024
Existing Side [North] Elevation	H2336-HEM-00-ZZ-DR-A-00022	P3	17.09.2024
Existing Rear & Side Elevations	H2336-HEM-00-ZZ-DR-A-00023	P3	17.09.2024
Demolition Plan	H2336-HEM-00-ZZ-DR-A-00004	P1	17.09.2024
Site Location Plan	H2336-HEM-00-ZZ-DR-A-00001	P5	28.10.2024
Proposed Site / Block Plan	H2336-HEM-00-ZZ-DR-A-00100	P11	23.12.2024
Proposed Ground Floor Plan	H2336-HEM-00-ZZ-DR-A-00101	P11	23.12.2024
Proposed First Floor Plan	H2336-HEM-00-ZZ-DR-A-00102	P11	23.12.2024
Proposed Section AA	H2336-HEM-00-ZZ-DR-A-00110	P9	23.12.2024
Proposed Section BB	H2336-HEM-00-ZZ-DR-A-00111	P10	23.12.2024
Proposed Street Elevation	H2336-HEM-00-ZZ-DR-A-00120	P9	23.12.2024
Proposed Front [West] Elevation	H2336-HEM-00-ZZ-DR-A-00121	P10	23.12.2024
Proposed Side [North] Elevation	H2336-HEM-00-ZZ-DR-A-00122	P9	23.12.2024
Proposed Rear & Side Elevations	H2336-HEM-00-ZZ-DR-A-00123	P8	23.12.2024
Proposed Section CC	H2336-HEM-00-ZZ-DR-A-00112	P5	23.12.2024
Watercourse Investigations	24/10/24AR	-	09.01.2025
Stage 1 Risk Assessment Plates	GUK-0923-03	-	11.09.2024
Stage 1 Risk Assessment	GUK-0923-03	-	11.09.2024
Stage 1 Risk Assessment Appendix B Historical Ordnance Survey Plans	GUK-0923-03	-	11.09.2024
Climate Change Statement	-	-	11.09.2024
Design & Access Statement	-	-	11.09.2024

Plan Type	Reference	Version	Date Received
Preliminary Ecological Appraisal Report	-	P01	17.09.2024
Stage 1 Risk Assessment Appendix A Eviro+GeoInsight Report	GUK-0923-03	-	11.09.2024
Acoustic Report	J3190-R1	-	11.09.2024
Heritage Impact Assessment	424.064976.00001	01	11.09.2024
Heritage Appraisal	424.064976.00001	01	11.09.2024
Bat Roost Potential Assessment	-	P01	11.09.2024
Planning Statement	-	-	11.09.2024
Odour Assessment	8335r1	-	17.09.2024
Letter from Punch Pubs & Co dated 17 September 2024	-	-	17.09.2024
Yorkshire Water Protection of Mains and Services	-	-	18.12.2024
Document Register	H2336-HEM-00-XX-FN-A-00001	-	23.12.2024

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 Planning 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.

In response to the consultation from KC Lead Local Flood Authority, the planning agent / applicant submitted additional information regarding the presence of a piped watercourse.

In response to the informal consultation from KC Conservation & Design, amended plans and justifications were submitted.

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.**

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: 05-Feb-2025

Signed:

David Shepherd
Executive Director for Place

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 2024/62/92598/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
