Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/92922/W

To: S Dyson
3, Cop Hill End
Slaithwaite
Huddersfield
HD7 5XA

For: S Dyson

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 1 DETACHED DWELLING AND DEMOLITION OF 5 NO. GARAGES

At: LAND TO REAR, 42, WEST STREET, LINDLEY, HUDDERSFIELD, HD3 3JT

In accordance with the plan(s) and applications submitted to the Council on 13-Sep-2016, 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 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 D2, BE1, BE2, BE11, BE12, G6, T10 and T19 of the Kirklees Unitary Development Plan.

3. Prior to the superstructure of the hereby approved dwellinghouse commencing, samples of external facing and roofing materials to be used shall be left on site for the inspection and approved in writing of the Local Planning Authority. Thereafter the development shall be undertaken in complete accordance with the materials so approved.
Reason: In the interests of visual amenity and the character and appearance of the local area and to accord with Policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

4. Prior to the superstructure of the hereby approved dwellinghouse commencing an Acoustic Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

(i) Determine the existing noise climate
(ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
(iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required)

If it cannot be demonstrated that the noise levels are acceptable it may be necessary to request a further report to specify attenuation measures. Should any attenuation measures be required, all 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. The measures implemented shall be retained thereafter.
Reason: In the interests of the protection of future occupiers amenity from noise disturbance arising from the sites location adjacent to the boundary with the adjacent public house/licensed premises and associated outdoor drinking area and car park, and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

5. Notwithstanding the requirements of condition 4, prior to the occupation of the dwelling hereby approved, a scheme detailing the boundary treatment of the all the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained.
Reason: In the interests of residential and visual amenity and to accord with the requirements of Policies BE1, BE2 and BE12 of the Kirklees Unitary Development Plan.

6. The development hereby approved shall be carried out in complete accordance with Section 6 'Conclusion and Recommendations' of the submitted Ecological Appraisal, Reference BE457.1 Revision A dated 6th March 2017. This shall include:

- The incorporation of one bat box of type Schwegler 1FF or similar within the dwelling hereby approved, that shall be hung at around a height of 5m or higher, in a sheltered location and with clear flight paths to the entrances.

The above bat box shall thereafter be retained.
Reason: To enhance habitat networks and ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework and Policy EP11 of the Kirklees Unitary Development Plan.

7. 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) no development included within Class A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: So as not result in the building being intrusive both visually in terms of size, scale and massing and in terms of privacy and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design.

8. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the southern side elevation of the dwelling hereby approved.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan.

9. The development shall not be brought into use until all areas indicated to be used for vehicles on the approved plans have been laid out with a hardened and drained surface 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 any successor guidance; 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) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted plans and retained thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10.

10. Development 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) has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment and in accordance with Policies D2 and G6 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (10) development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment and in accordance with Policies D2 and G6 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (11) development shall not commence until a Remediation Strategy 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: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment and in accordance with Policies D2 and G6 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (12). 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 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. Unless otherwise approved in writing with the Local Planning Authority, 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: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment and in accordance with Policies D2 and G6 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment and in accordance with Policies D2 and G6 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

15. 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. Unless otherwise approved in writing with the Local Planning Authority, 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. Unless otherwise approved in writing with 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: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment and in accordance with Policies D2 and G6 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

16. Prior to occupation of the dwelling an electric vehicle recharging point shall be installed. 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. Thereafter the electric vehicle recharging point shall be retained.
Reason: To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays;
08.00 and 13.00hours Saturdays;
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that it is the developer and/or land owner's responsibility to secure a safe development in relation to land stability and the proposed excavation works.

NOTE: Please note that the granting of Planning Permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/Pages/Links.htm (01736 852958) or the Institute of Acoustics http://www.ioa.org.uk (01727 848195) for a list of members.

Plans and specifications schedule:-

Plan Type	**Reference Version**	**Date Received**
Location plan		15th September 2016
Proposed location plan		15th September 2016
Proposed floor plans, front elevation and right elevation	Plan 1	15th September 2016
Proposed site plan and sections	Plan 2	15th September 2016
Proposed left elevation, rear elevation and sections	Plan 3	15th September 2016
Proposed site plan		10th November 2016
Supporting Statement		10th November 2016
Ecological Appraisal	Bagshaw Ecology – Ref: BE457.1	6th March 2017

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. Following initial concerns regarding highway safety, an additional site plan was submitted to demonstrate parking and turning facilities. In additional an Ecological Assessment was required and subsequently submitted for consideration. With regard to the dwelling itself, initial concerns were raised regarding the size of the dwelling and it was requested that the building was reduced in size however the applicant has requested that the application be determined on the submitted plans.

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/planning-inspectorate . 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: 30-May-2017

Signed:

Naz Parkar
Strategic Director Economy and Infrastructure

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 2016/62/92922/W .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
