



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/91356/W

To: Michael Owens,
Fibre Architects Ltd
Buckden Mount
8, Thornhill Road
Edgerton
Huddersfield
HD3 3AU

For: Mr & Mrs Farmiloe

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 2 DETACHED DWELLINGS (WITHIN A CONSERVATION AREA)

At: ADJ 141, CHURCH STREET, NETHERTHONG, HOLMFIRTH, HD9 3EA

In accordance with the plan(s) and applications submitted to the Council on 29-Apr-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 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 BE1, BE2, BE5, BE12, T10, EP11 and NE9 of the Kirklees Unitary Development Plan and Government policy in the National Planning Policy Framework.

3. Prior to first occupation of the dwellings, the approved vehicle parking areas 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on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10 and chapter 10 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) no gates or barriers shall be erected across the vehicular access from New Road that serves the approved development at any time.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

5. No dwelling shall be first occupied until sightlines of 2 metres x 33 metres along the site frontage onto New Road have been cleared of all obstructions to visibility exceeding 900 millimetres in height above the level of the adjacent carriageway and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment and Method Statement, reference (Coppice Landscapes AIA/SW/AIA5) as amended 24/01/2017). These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

7. Details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

8. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in section 7.1 of the Arboricultural Method Statement, reference (Coppice Landscapes AIA/SW/AIA5) as amended 24/01/2017), was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

9. Samples of all facing and roofing materials shall be inspected by and approved in writing by the Local Planning Authority before works to construct the superstructure of the dwellings commence. Thereafter the dwellings shall be constructed of the approved materials and be retained.

Reason: In the interests of visual amenity and to protect the character and appearance of the Netherthong Conservation Area and to accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

10. No walls or fences for boundaries, screens or retaining walls shall be erected until details of the siting, design and materials have been submitted to and approved in writing by the Local Planning Authority. The approved walls / fences shall be erected before the dwelling and extension are first occupied and shall thereafter be retained.

Reason: To protect the character and appearance of the Netherthong Conservation Area and to safeguard the amenity of neighbouring residents and to accord with Policies BE1, BE2, BE5 and D2 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

11. 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) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B, C or D of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To avoid an overdevelopment of the site and in the interests of protecting the character and appearance of the Netherthong Conservation Area, the architectural significance of the adjoining listed building, and the amenity of neighbouring residential properties and to accord with Policies D2 and BE5 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

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) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To avoid an overdevelopment of the site and in the interests of protecting the character and appearance of the Netherthong Conservation Area, the architectural significance of the adjoining listed building, and the amenity of neighbouring residential properties and to accord with Policies D2 and BE5 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

13. Prior to first occupation of the dwellings an electric vehicle recharging point shall be installed in the curtilage of each dwelling. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

14. The development shall not commence until a scheme detailing measures to manage parking on Church Street from its junction with New Road to the full frontage of the application site and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the development shall be brought into use until the approved scheme has been implemented.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy T10 of the Kirklees Unitary Development Plan.

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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: 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 13.00 hours 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Site Plan as Existing	EX0002		29.04.16
Partial Site Plan as Existing	EX0003		29.04.16
Site Plan as Proposed	AL0101	D	02.11.16
Partial Site Plan as Proposed	AL0106	D	02.11.16
Proposed Works to Entrance Gate Posts	AL0160		29.04.16
House Type A – Proposed Plans	AL0117	B	02.11.16

Plan Type	Reference	Version	Date Received
House Type A – Proposed Elevations	AL0118	B	02.11.16
House Type B – Proposed Plans	AL0119	B	02.11.16
House Type B – Proposed Elevations	AL0120	B	02.11.16
Proposed Street Elevations	AL0150	D	02.11.16
3D Image			03.02.16
Design and Access Statement			29.04.16
Planning Statement			29.04.16
Heritage Assessment			29.04.16
Arboricultural Report	AIA/SW/AIA5		27.01.17
Tree Constraints Plan	EX0005		29.04.16
Transport Assessment	1117		29.04.16
Bat Survey	160748/141 Garden		11.08.16

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. The case officer undertook negotiations with the applicant to secure a reduction in the number of dwellings from three to two, revisions to the siting of the dwellings to address the impact on the protected trees, and revisions to the scale and elevation treatment of the dwellings to address the impact on the Conservation Area.

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://acp.planninginspectorate.gov.uk> . 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-Mar-2017

Signed: 

Jacqui Gedman
Director of 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 2016/62/91356/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
