

## PLANNING PERMISSION

Town and Country Planning England

Town and Country Planning (Development Management Procedure) (England) Order 2010

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THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

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(Please see notes at end of this letter)

To  
Stirling Mortimer  
c/o Hawdon Russell Architects  
52 Wharf Street  
SOWERBY BRIDGE  
HX6 2AE

This Council hereby grants approval for

**Residential development of eleven dwellings with new road access including forming opening in wall**

on land at

**White Windows Rest Home  
Fore Lane  
Sowerby Bridge  
Calderdale  
HX6 1BJ**

in accordance with the following plans approved by the Council on 04.07.2014

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	23/1735/LP		20.03.2014
Existing Site Layout	23/1735/01		20.03.2014
Tree Survey	23/1735/20		20.03.2014
Proposed Site Layout	23/1735/21		20.03.2014
Landscape Plan	23/1735/22		20.03.2014
Proposed Site Layout	23/1735/23		20.03.2014
Proposed Site Layout	23/1735/24		20.03.2014
Plans and Elevations	23/1735/26		20.03.2014
Plans and Elevations	23/1735/27		20.03.2014
Topographical Sections	G6283/1 23/1735/25	0	20.03.2014

and subject to the following conditions under Section 91 of the Act

The development to which this permission relates must be begun not later than the expiration of THREE YEARS beginning with the date on which this permission is granted

and subject to the additional conditions specified below:

1. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage for the development (including details of any balancing works, off-site works, existing systems to be re-used and diversions) and external works have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
2. The alterations to the boundary wall shall not begin until details and/or samples of the facing material which shall be of natural stone to match the existing wall in colour, texture, coursing and method of pointing have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the boundary wall features shall be constructed in accordance with the details/samples so approved, and shall be so retained thereafter.
3. Notwithstanding any details shown on the permitted plans, the development shall not begin until details and/or samples of the facing material for the dwellings which shall be of regularly coursed natural stone (sympathetic in colour, coursing and texture to that used in the immediate vicinity), have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, it shall be constructed in accordance with the details so approved and so retained thereafter. The pointing shall be flush with the face of the stone or slightly recessed, ("ribbon" or "strap" pointing shall not be used) and shall be so retained thereafter.
4. Notwithstanding any details shown on the submitted plans, the development shall not begin until details of the roofing material which shall be of natural blue slates have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the roofing of the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
5. Notwithstanding any details shown on the permitted plans, the heads, cills and jambs of windows and doors shall be constructed using the same stone as that approved for the facings of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority and shall be so retained thereafter.

6. Before the development hereby permitted is first brought into use, the ridge (and hip) tiles shall be installed to match the roofing materials in colour and texture (unless otherwise agreed in writing by the Local Planning Authority) and shall be so retained thereafter.
7. Prior to the first occupation of the dwellings hereby permitted, details of the finishes and colour of all surfacing materials, including those to access driveways, forecourts, parking/turning areas etc. shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details and shall be so retained thereafter.
8. No dwellings shall be occupied until the garaging/off street parking approved herein, and access to them, shall be constructed using permeable hard surfacing materials or shall be directed to suitable sustainable drainage outlet or other porous surfaces within the curtilage of the development and shall be permanently retained for the parking of motor vehicles thereafter.
9. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
10. Paths, driveways, turning areas and parking spaces shall be constructed using permeable surfacing materials or shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development.
11. No development shall take place within the area of archaeological and architectural interest defined on Plan No. 23/1735/LP until the applicant, or the agent or successor in title, has secured the implementation of a programme of archaeological and architectural recording in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
12. Unless otherwise agreed in writing by the Local Planning Authority this permission shall not relate to the use of roof mounted solar panels.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevation of any dwelling without the prior written permission of the Local Planning Authority.

14. The works shall not begin in relation to the formation of the access or the car park extension nor shall any construction materials, plant or machinery be brought onto the site until protective fencing of a minimum 1 metre height has been erected in a continuous length at least 1 metre beyond the outer edge of the crown spread of the trees unless otherwise be agreed in writing by the Local Planning Authority. This fencing shall be retained until the completion of the development and no materials, plant or equipment shall be stored, no bonfires shall be lit nor any building or excavation works of any kind shall take place within the protective fencing.
15. Excavations in respect of the new access and the car park extension where such works are beneath the crown spread of any tree shall be hand dug only (ie, no mechanical plant, tools or equipment shall be used in respect of such excavations) to a maximum depth of 1metre.
16. Before the development commences a scheme for lighting external areas to be submitted to and approved in writing by the Local Authority. The development shall be carried out in accordance with these details and shall be so retained thereafter. The lighting should comply with BS5489.
17. Before work commences on site, details including materials and colour of the frames of the conservatories/garden rooms and conservation style rooflights shall be submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the details of which shall then be constructed in accordance with the details/samples so approved, and shall be so retained thereafter.

The reasons for the Councils decision to grant an approval for the development subject to the above additional conditions are:

1. To ensure proper drainage of the site and to ensure compliance with Policy EP22 of the Replacement Calderdale Unitary Development Plan.
2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies BE1 and BE14 of the Replacement Calderdale Unitary Development Plan.
3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies H2, BE1 and BE15 of the Replacement Calderdale Unitary Development Plan.
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5. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies H2, BE1 and BE15 of the Replacement Calderdale Unitary Development Plan.
6. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies H2, BE1 and BE15 of the Replacement Calderdale Unitary Development Plan.
7. To ensure a satisfactory appearance in the interests of visual amenity and to ensure compliance with Policies H2, BE1 and BE15 of the Replacement Calderdale Unitary Development Plan.
8. To ensure that adequate off-street parking is available for the development and to ensure compliance with Policy T18 of the Replacement Calderdale Unitary Development Plan.
9. To ensure proper drainage of the site and to ensure compliance with Policy EP22 of the Replacement Calderdale Unitary Development Plan.
10. To ensure proper drainage of the site and to ensure compliance with Policy EP14 of the Replacement Calderdale Unitary Development Plan.
11. To ensure that any archaeological remains and/or architectural features are recorded or are preserved in accordance with an agreed scheme and to ensure compliance with Policy BE24 of the Replacement Calderdale Unitary Development Plan.
12. For the avoidance of doubt in relation to the sustainability section of the Design and Access Statement
13. To safeguard the privacy and amenity of occupiers of neighbouring properties and to ensure compliance with Policy BE2 of the Replacement Calderdale Unitary Development Plan.
14. To protect the trees during the course of construction of the development in the interests of visual amenity and to ensure compliance with Policies BE15 and NE21 of the Replacement Calderdale Unitary Development Plan.
15. In order to minimise root damage in the interests of the health of the trees and the visual amenity of the area and to ensure compliance with Policies BE15 and NE21 of the Replacement Calderdale Unitary Development Plan.
16. In the interests of security and to ensure compliance with policy BE4 of the Replacement Calderdale Unitary Development Plan.
17. In the interests of the character and visual amenity of the area and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.

### **Informative(s)**

1. The Local Planning Authority has endeavoured to work with the applicant/agent in relation to this application, to secure a development that positively contributes to the economic, social and environmental well being of Calderdale in accordance with the National Planning Policy Framework.

#### 2. Informative from Council's Drainage Engineer

Using NPPF as a guide and Revised Part H of the Building Regulations the applicant should investigate a sustainable system of drainage for surface water and submit a report of the findings to the Local Planning Authority. The applicant is reminded that surface water disposal to sewer is the last resort. Ultimately the author may seek the thoughts of Yorkshire Water Services on SUDS reports submitted.

Discharge of surface water to sewer, directly or indirectly, will require Yorkshire Water Services' consent. The applicant should contact YWS via 0845 1 24 24 29 only if more sustainable options have been ruled out.

The applicant is asked to consider the proposal and its interaction with neighbouring land. There is the potential for surface water to shed onto the adjacent areas including highways. Similarly the proposal could be at risk from adjacent areas including highways depending on the lie of the land.

Often thought into external works details is neglected. The applicant is reminded that paths, driveways, turning areas and parking spaces should be constructed using permeable surfacing materials or shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development.

If soakaways are proposed percolation tests complete with calculations will ultimately be required. Water-logging or the potential for nuisance to adjacent areas including through groundwater bleed needs to be considered.

There are sewers in the locality therefore the author is reasonably confident that the proposal can be drained but offers no advise on the practicality of sewers (also known as mains on application forms) as a method of surface water disposal. The applicant is reminded to give due consideration to the contents of the first paragraph.

If surface water disposal to watercourse is proposed the impact on the watercourse and downstream systems needs to be considered. Watercourses could be in distress and unable to accept any additional flow. Reassurances will be needed possibly with intrusive surveys to demonstrate that surface water disposal to watercourse is appropriate.

**Please be aware that you will have to submit an application to have the details required by condition, approved. The fee is £28 for a Householder application and £97 for a Non-householder. There is no charge for discharging conditions on Listed Building Consents, TPO's or Conservation Area Consents**

**Please note the charges will be applied per application irrespective of how many conditions the application is for. If there are 20 conditions and you only apply for 1-10 then the appropriate fee will apply and when you apply for conditions 11-20 you will be charged again.**

DATED: 7 July 2014



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Geoff Willerton BA(Hons)MRTPI  
Head of Planning & Highways

TOWN AND COUNTRY PLANNING ACT 1990

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If this is a decision to refuse planning permission for a **householder application**, If you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a **minor commercial application**, If you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

If this is **not a refusal of planning permission for a householder or minor commercial application** if you want to appeal then you must do so within six months of the date of this notice.

However, if an Enforcement notice has been served for the same or substantially the same land and development as in your application the time limit is:

**28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made yet not longer than 2 years before the application was made or

**28 days from the date the Enforcement Notice** was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks – where this relates to a householder application, or unless this extends the appeal period beyond 6 months, for the other applications).

You should use forms which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 372 6372) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). A copy of the completed appeal form should be sent to, Calderdale MBC Planning Services, Northgate House, Northgate Halifax, West Yorkshire, HX1 1UN.

The Secretary of State can allow a longer period for giving notice of an appeal, but 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 permission without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.



The Planning Inspectorates online appeals service which you can use to make your appeal can be found through the Appeals area of the Planning Portal – see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

### **Purchase Notice**

If either the Local Planning Authority or the Secretary of State for Communities and Local Government 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 can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. 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.