



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/91337/W

To: Edward Gribbin,
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: M HUNT

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 DETACHED DWELLING AND FORMATION OF PARKING
SPACES WITH ASSOCIATED WORKS

At: ADJ, 1A, MOUNT PLEASANT LANE, FENAY BRIDGE, HUDDERSFIELD,
HD8 0AT

In accordance with the plan(s) and applications submitted to the Council on 06-Jul-2020, 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 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 Policy LP24 of the Kirklees Local Plan.

3. Samples of all facing and roofing materials shall be left on site for the inspection and approval in writing by, the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

4. Before the new dwelling is first brought into use, the integral garage as shown on the plans shall be provided and all areas to be used for the parking and turning of vehicles for the new dwelling shall be laid out with a hardened and drained surface, which shall be in accordance with the Communities & 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 before the dwelling is first occupied. Thereafter these areas shall be retained free of any obstruction.

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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the garages shall be retained as such and shall not be converted to living accommodation.

Reason: To ensure a satisfactory layout and adequate parking in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of Policies LP21-22 and Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Before the existing garage within the site is demolished, the two parking spaces to serve the existing dwelling, to be accessed off Fenay Bridge Road, shall be provided and laid out with a hardened and drained surface, which shall be in accordance with the Communities & 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. Thereafter the parking spaces shall be retained as such and kept clear of all obstructions to their use by vehicles.

Reason: To ensure a satisfactory layout and adequate parking in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of Policies LP21-22 and Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Before the existing garage within the site is demolished, all obstructions to visibility within the land adjacent to the new parking spaces referred to in condition (5) above, edged in blue on drawing number (20)002 Revision D, measured 2m back from the boundary between the new parking spaces and the existing public footway, shall be cleared of all obstructions to visibility exceeding 1.0m in height above the parking spaces. It shall thereafter be retained as such.

Reason: To ensure that adequate intervisibility is maintained between the new parking spaces and the adjacent footpath / cycleway in the interests of highway safety, and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. Before the commencement of excavation or building works, other than works to form the new parking spaces off Fenay Bridge Road, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall describe the arrangements to be provided for the parking of contractors' and workers' vehicles, the storage of materials, the provision of workers' facilities, and details of how excavation and building works are to be undertaken whilst preventing or limiting obstruction to the public highway (in particular Mount Pleasant Lane). The approved Construction Management Plan shall be adhered to throughout the period of construction.

Reason: In the interests of preventing interference with the safe and convenient use of the highway, in accordance with the aims of Policy LP21 of the Kirklees Local Plan.

8. All areas for the storage of wastes as shown on drawing (20)002 Revision D shall be provided and laid out with a hardened and drained surface before the new dwelling is first occupied. These shall thereafter be retained at all times, free from obstructions and available for their use for the storage of wastes.

Reason: To ensure that suitable arrangements are provided and retained for the storage and collection of wastes in the interests of highway safety, sustainability and visual amenity and to accord with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan.

9. Before work commences on the superstructure of the dwelling, an ecological design strategy (EDS) addressing mitigation and enhancement shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.
- b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e. timetable to undertake the mitigation and enhancement measures
- e. Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP 30.

10. Along the full length of the northern side elevation of the first-floor terrace, a solid screen fence or glazed panel (fitted with obscure glazing to provide a grade 5 degree of obscurity) of 1.8m in height above the level of the terrace shall be installed before the dwelling is first occupied. This shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the dwelling at ground floor level at any time.

Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

12. A screen fence of 1.8m in height shall be erected to the full length of both side boundaries of the site (north and south) before the new dwelling is first occupied and shall thereafter be retained.

Reason: In order to protect the privacy of adjoining residential properties and to accord with Policy LP24(c) of the Kirklees Local Plan.

13. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no development falling within Classes A, B, or E of Part 1 of Schedule 2 to the above Order may be carried out within the land edged red on the approved location plan at any time.

Reason: To ensure that inappropriate extensions or outbuildings do not give rise to harm to the townscape or visual amenity by reason of overdevelopment of the plot, or have an oppressive or overbearing impact on the occupiers of neighbouring properties, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan.

14. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby approved dwelling before it is first occupied. 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. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

15. The hatched area within the site boundary annotated as “Core Walking and Cycling Network Route 2016” on plan (20)002 Revision D shall be kept clear of any obstructions to its future use by pedestrians or cyclists.

Reason: So as not to prejudice the future implementation of the Core Walking and Cycling Network and to accord with the aims of Policy LP23 of the Kirklees Local Plan.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			13-May-2020
Location plan	(EX)001	A	14-Dec-2020
Proposed floor plans	(20)001		07-May-2020
Proposed elevations	(30)001		07-May-2020
Proposed site sections	(30)002		07-May-2020
Contextual elevation	(30)002	A	01-Mar-2021
Block plan with fencing and refuse collection details	(20)002	D	09-Apr-2021
Proposed section showing new parking spaces	(30)003		22-Mar-2021

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 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 requested amended plans during the application process for the purposes of clarification regarding highway and access issues.

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: 20-May-2021

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 2020/62/91337/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: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
