



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/70/90309/W

To: Steven Winterbottom,
Nicol Thomas Ltd
Heyside House
Heyside
Royton
Oldham OL2 6NS

For: G Johnson

**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:-**

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2015/92476
FOR ERECTION OF THREE DETACHED DWELLINGS

At: LAND AT, OLD LANE/TAYLOR LANE, SCAPEGOAT HILL, HUDDERSFIELD,
HD7 4ND

In accordance with the plan(s) and applications submitted to the Council on 03-Feb-2021 [together with those plans and application(s) submitted to the Council on 08-Oct-2015 and incorporated into planning permission ref no. 2015/62/92476/W granted on appeal on 24-Nov-2017) and subject to the condition(s) specified hereunder:-

1. 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 Policies LP21, LP22, LP24, LP28, LP30, LP32, LP33 and LP34 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The dwellings hereby approved shall be constructed from tumbled and dyed natural stone in regular courses with natural blue slate tiles. The dwellings shall thereafter be retained with this finish.

Reason: In the interests of visual amenity and in order accord with the aims of Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. Prior to the dwellings being first brought into use, a detailed scheme for the provision of a road widening scheme to Old Lane and Taylor Lane and all associated works as shown on indicative plan reference SGH02/0117/31 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise approved in writing by the Local Planning Authority all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety, to ensure adequate visibility and that the additional hardstanding 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.

4. The development hereby approved shall be carried out in accordance with the construction arrangements Ref Construction Environmental Management Plan (CEMP) as approved as part of Discharge of Conditions application 2020/91916 and as detailed within the schedule, throughout the period of construction.

Reason: In the interests of highway safety, to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The development hereby approved shall be constructed in accordance with the design and construction details (AIP) before it is first brought into use and shall be retained as such thereafter, as approved as part of Discharge of Conditions application 2020/91916.

Reason: In the interest of the protection of the structural stability of the site and the adjacent public highway, to accord with LP21 of the Kirklees Local Plan.

6. The development hereby approved shall be implemented in accordance with the Environmental Design Strategy, prior during and post construction, as approved as part of Discharge of Conditions application 2018/92336.

Reason: In the interests of amenity and biodiversity of the site and in accordance with Policies LP24 and LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. The development shall not be brought into use until the extended driveway and hardstanding as indicated on the approved plan has been laid out with a hardened 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) this shall be so retained, free of obstructions and available for parking.

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. Walls along both Old Lane and Taylor Lane to be repositioned shall be faced in local stone towards to the highway and completed prior to first occupation of the dwellings.

Reason: In the interests of amenity and highway safety in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

9. Notwithstanding details shown on drawing no. SGH02/0117/31, prior to the development being brought into use, sightlines of 2.4m x site frontage from Old Lane onto Taylor Lane and 2.4 x 43 metre sight lines from the driveways of plots 1, 2 and 3 onto Old Lane shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall thereafter be retained free of any such obstruction.

Reason: To ensure adequately visibility in the interests of highway safety and to accord with policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. An electric vehicle recharging point shall be installed within the garage serving each house in the development hereby approved or in a location accessible from the dedicated parking area to each house before first occupation of the dwelling. The 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 points so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Kirklees Local Plan.

11. A scheme detailing soft landscaping, tree/shrub planting, to form a buffer from the adjacent graveyard shall be submitted to and approved in writing by the Local Planning Authority before the hereby approved dwellings are brought into use. The scheme shall include a timetable for the phasing of the landscaping and planting. The works comprising the approved scheme shall be implemented in accordance with the approved timetable and phasing.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity of the site and in accordance with Policies LP24, LP30 and LP32 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

12. The openings in the side elevations of dwelling on plot 3 at ground and first floor level to serve the lounge, family kitchen, master bedroom with associated dressing area and en-suite shall be obscurely glazed (minimum grade 4) before the dwelling is first brought into use. Thereafter notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (or anything revoking or re-enacting that Act with or without modification) the obscure glazing shall be retained.

Reason: So as not to detract from the amenities of the neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

13. No removal of trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that appropriate measures can be put in place to protect any birds, their nests, eggs or young. Any such written confirmation shall be submitted to the Local Planning Authority before removal begins.

Reason: In the interests of the biodiversity of the site and in accordance with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

14. 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 or reenacting that Act or Order with or without modification) no new openings other than those expressly authorised by this permission shall be constructed in the external walls of the dwelling on plot 3.

Reason: So as not to detract from the amenities of the neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

15. 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 with or without modification) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be carried out to the dwelling on plot 3.

Reason: In the interests of visual amenity, to ensure that any future development would not lead to the overdevelopment of the site, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

16. The maximum gradient of the access ramp to the car park areas of the development hereby permitted shall not exceed 1 in 8.

Reason: In the interests of amenity and highway safety in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

17. Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 the garages serving the houses in the development hereby approved shall be used for the garaging of motor vehicles and shall not be converted to habitable accommodation.

Reason: In the interests of the free and safe use of the highway and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

18. The ground floor openings within the eastern facing side elevation of plot 2, to serve the family kitchen shall be obscurely glazed (minimum grade 4) before the dwelling is first brought into use. Thereafter notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (or anything revoking or re-enacting that Act with or without modification) the obscure glazing shall be retained.

Reason: So as not to detract from the amenities of the neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: Electric Vehicle Charging Points

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Noisy construction related activities shall 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

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
Proposed lower ground and ground floor plans for plot 2	M4724-2 20 01	-	31st March 2021
First floor and roof plans for plot 2	M4724-2 20 02	-	31st March 2021
Proposed elevations for plot 2	M4724-2 21 01	-	31st March 2021
Proposed elevations for plot 2	M4724-2 21 02	-	31st March 2021
Location plan	-	-	8th October 2015
Proposed grouped plans for plot 1	-	-	15th February 2017
Proposed grouped plans for plot 3	-	-	15th February 2017
Proposed sketch plan showing no. 29a High Street (not as approved site plan) for information only	-	-	4th July 2016
Proposed site survey (levels) only	SGH02/0716/28	-	9th September 2016
Site sections (plot 3) sketch layout	-	-	4th July 2016
Supporting statement	SGH02/0715/22A	-	8th October 2015
Highways Technical note	By Sandersons	-	8th October 2015
Reptile method statement	12769a/FO - dated 19/08/16	-	9th September 2016
Revised Habitat survey Phase 1	12769/JoC – dated 30/08/16	-	1st September 2016
Ecological Design Strategy	-	-	17th September 2018
Construction Environmental Management Plan (CEMP)	Dated June 2020	-	23rd June 2020
Walling materials	Planning document A	-	23rd June 2020
Material description	-	-	23rd June 2020

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 this instance, no negotiations or amendments have been sought. However, the agent has confirmed that works have been lawfully commenced in order to remove condition 1.

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 Telephone: (01484) 221550 for more information.

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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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: 29-Apr-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 and view existing planning applications and decisions' and by searching for application number 2021/70/90309/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
