



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91239/W

To: Malcolm Sizer Planning Ltd
17, Kistvaen Gardens
Meltham
Holmfirth
HD9 5NQ

For: R & S Handa

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:-

DEMOLITION OF EXISTING DWELLINGS AND GARAGE AND ERECTION OF
TWO DETACHED DWELLINGS

At: 410/412, BIRKBY ROAD, BIRKBY, HUDDERSFIELD, HD2 2DN

**In accordance with the plan(s) and applications submitted to the Council on
23-Apr-2021, 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 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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan.

3. The hereby approved dwellings shall be faced in natural stone.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The new retaining walls required to facilitate the hereby approved development and as detailed on Dwg. No. 21 21 15B and Dwg. No. 21 21 05D shall be faced in natural stone. If an alternative material is required details shall be submitted to and approved in writing by the Local Planning Authority prior to its use and the retaining walls shall be faced in the approved material.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated to be used for parking and the manoeuvring of 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 Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for the uses specified on the submitted plans.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to mitigate flood risk and in accordance with Kirklees Local Plan Policies LP21 and LP28.

6. The hereby approved development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment and Method Statement reference (Morfe Valley Environmental Ltd, ref MVE/AM _021/2021/03 dated 02/07/21) and Tree Protection Plan (Morfe Valley Environmental Ltd, ref MVE_TPP_01_Rev B). These shall be implemented and maintained throughout the construction phase.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

7. Prior to the first occupation of the hereby approved replacement dwelling for no.412 (Dwelling A), the 1.8 metre high obscurely glazed privacy screen detailed on Dwg. No. 21 21 10C that will be placed on the balcony that serves bedroom 2 shall be installed and retained thereafter.

Reason: In the interests of residential amenity and to safeguard the development of the adjacent housing allocation HS35 of the Kirklees Local Plan and to accord with Policies LP3 and LP24 of the Kirklees Local Plan.

8. Prior to the first occupation of the hereby approved replacement dwelling for no.410 (dwelling B), a 1.8 metre high obscurely glazed privacy screen shall be installed on the eastern side of the balcony that serves bedroom 2 and retained thereafter.

Reason: In the interests of residential amenity and to safeguard the development of the adjacent housing allocation HS35 of the Kirklees Local Plan and to accord with Policies LP3 and LP24 of the Kirklees Local Plan.

9. The hereby approved 'home office' shall not be used for any commercial purpose beyond that of a private annexe office for purposes incidental to the enjoyment of the dwellinghouses and shall not be sold or rented out separately.

Reason: In the interests of highway safety as a result of increased vehicular traffic visiting the site and associated activities and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

10. The development shall not be brought into use until two bat roosting features (1FR Schwegler bat tube or similar alternative) have been installed on the east aspect of each dwelling at a height of at least 4 meters and not directly above any windows. Thereafter the features shall be retained.

Reason: To provide ecological enhancement in accordance with the requirements of Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

11. Before the occupation of the hereby approved dwellings, one electric vehicle recharging point shall be provided for each dwelling either within the dedicated parking spaces or garage that serve each of the approved dwellings. 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: 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.

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: Land Stability: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability

issues this be taken into account and dealt with appropriately by the developer and/or landowner.

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	21 21 07		23/4/2021
Topographical Survey	21 21 04		23/4/2021
Existing Elevations and Flood Plans Dwelling A	21 21 01		23/4/2021
Existing Elevation Dwelling B	21 21 03		23/4/2021
Existing Floor Plans Dwelling B	21 21 02		23/4/2021
Proposed Site Plan	21 21 05D		15/9/2021
Proposed Dwelling A (412) Plans and Elevations	21 21 10C		15/9/2021
Proposed Dwelling B (410) Plans and Elevations	21 21 11C		15/9/2021
Proposed Garage	21 21 13B		7/7/2021
Side by Side View	21 21 12C		15/9/2021
Proposed Site Section	21 21 15B		7/7/2021
Tree Shading Plan	21 21 06		17/6/2021
Bat Survey	MVE/LMG 041 14/08/2021		16/8/2021
Tree Protection Plan	410 + 412 Birkby Road, Huddersfield MVE_TPP_01_Rev B		7/7/2021
Arboricultural Impact Assessment and Method Statement	MVE/AM_021/2021/03		7/7/2021
Phase 1 Ecological Survey Report	MVE/LA 028 26 02 2021		23/4/2021
Examples of Retaining Walls			17/6/2021
3D View of Site			17/6/2021
3D Views of Materials			17/6/2021

Plan Type	Reference	Version	Date Received
Views from within the Site			17/6/2021
Examples of Retaining Walls on Site			17/6/2021
Examples of New Retaining Walls			17/6/2021
House Angels 410 and 412			17/6/2021
Other Houses in the Local Area			17/6/2021
Valley Head Street View			17/6/2021

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 undertook negotiations with the agent to secure amended plans in relation to a reduction in the scale of the dwellings and further information regarding the impact on ecology. The scheme as amended was considered to be acceptable.

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

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.

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: 16-Sep-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 2021/62/91239/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
