



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/91929/E

To: Dan Heneghan
Heneghan Architecture
20, Huntsman's Close
Beaumont Park
Huddersfield
HD4 7BR

For: MR & MRS BRITTON

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:-

PART DEMOLITION OF EXISTING BUILDING CONVERTED INTO GARAGE
AND ERECTION OF DETACHED BUNGALOW

At: REAR OF, 111, MARSH LANE, SHEPLEY, HUDDERSFIELD, HD8 8AS

**In accordance with the plan(s) and applications submitted to the Council on
07-Jun-2022, 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 specification 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 LP1, LP2, LP3, LP21, LP22, LP24, LP28, LP30, LP33, LP52 and LP53 of the Kirklees Local Plan, guidance contained within the adopted Housebuilders Design Guide SPD, Chapters 5, 12, 14, and 15 of the National Planning Policy Framework.

3. The external walls of the bungalow hereby approved shall be finished with natural coursed tumbled walling stone and the roof surfaced in blue slate tiles. The garage walls shall be finished with reclaimed brickwork from demolished part of outbuildings. The development shall be constructed from the approved materials and retained thereafter or replaced on a like for like basis.

Reason: In the interests of visual amenity and to ensure that the approved buildings are sited unobtrusively in the streetscape, and to accord with Local Planning Policy LP24 of the Kirklees Local Plan, Principles 2, 13 and 15 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, all areas indicated to be used for access and parking by vehicles and/or pedestrians on the hereby approved plans shall be laid out with 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 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for their intended use.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the adopted Housebuilders Design Guide SPD and Government guidance contained within chapters 9 and 14 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 6.0m from the carriageway edge of Marsh Lane and shall be hung as to only open inwards. So long as such gates or barriers are in position, they shall be retained to only open inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway. In accordance with policies LP21 and LP22 of the Kirklees Local Plan, Principle 10 of the Kirklees Housebuilders Design Guide SPD and Government guidance contained within chapter 9 of the National Planning Policy Framework.

6. No part of the development shall be brought into use until internal turning of a fire appliance is demonstrated or a dry riser with a remote inlet is provided. The dry riser shall be sited within 18m of the point of access from the public highway. Thereafter a dry riser with a remote inlet shall be retained within 18m of the point of access from the public highway.

Reason: In the interests of the safety of future occupiers of the development with regard to fire safety. In accordance with policy LP21 of the Kirklees Local Plan, Highway Design Guide SPD, Principle 11 of the Kirklees Housebuilders Design Guide, and Government guidance contained within chapter 9 of the National Planning Policy Framework.

7. A scheme detailing foul, surface water and land drainage (designed in accordance with the Hierarchy of Drainage) shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway that is an effective means of drainage of surface water on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan, Principles 3, 7 & 28 of the Kirklees Housebuilders Design Guide SPD and Government guidance contained within chapter 14 the National Planning Policy Framework.

8. Prior to occupation of the dwelling an electric vehicle recharging point shall be installed to serve the dwelling. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicles charging point shall be thereafter retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with policies LP24 and LP51 of the Kirklees Local Plan, Principles 12 and 18 of the Kirklees Housebuilders Design Guide SPD, the West Yorkshire Low Emissions Strategy, and Government guidance contained in Chapters 9 and 15 of the National Planning Policy Framework.

9. Prior to demolition works to the outbuilding a preliminary bat survey should be undertaken and report submitted to the local planning authority for approval. Any subsequent surveys or measures shall be implemented in accordance with the approved scheme of works.

Reason: In the interests of protecting endangered species in accordance with Policy LP30 of the Kirklees Local Plan, Principles 3 and 9 of the Kirklees Housebuilders Design Guide SPD and Government guidance within chapter 15 of the National Planning Policy Framework.

10. Notwithstanding the approved plans and information, 1 new sparrow terrace, shall be installed either integral or externally to the new bungalow during the period of construction on the north west (side gable) elevation at least 3.0 metres above ground and not directly above doors or windows. Thereafter the sparrow terrace shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with Policy LP30 of the Kirklees Local Plan, Principles 3 and 9 of the Kirklees Housebuilders Design Guide SPD, and Government guidance within chapter 15 of the National Planning Policy Framework.

11. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect future occupants of the development from any land contamination and to accord with Policy LP53 of the Kirklees Local Plan, Principle 3 of the Kirklees Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

NOTE: Electrical 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 at 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: 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 (Kirklees Street Scene: 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: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land Report 11 (CLR11)*, National Planning Policy Framework (NPPF) and the Council's advice for Development documents or any subsequent revisions of those documents.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: Protective fencing erected around all retained trees on the site during construction should accord with British Standard BS 5837.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07.30am to 18.30pm Mondays to Fridays
 - 08.00am to 13.00pm Saturdays
- With no noisy construction 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 notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan and proposed floor plans and elevations for bungalow	Dwg no. 2283-0101-P02		06.06.2022
Proposed site layout	Dwg no. 2283-0102-P01		28.06.2022
Existing and proposed floor plans for outbuildings			06.06.2022
Elevations as existing for outbuildings			06.06.2022
Elevations as proposed for outbuildings			06.06.2022
Existing and proposed site section A-A	Dwg no. 2283-0103-P01		06.06.2022
Supplementary information: Design and Access Statement – dated May 2022			06.06.2022

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

A site plan was requested and received during assessment of the application.

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/appeal-planning-decision>. 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: 04-Oct-2022

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 2022/62/91929/E.

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: Kirklees Council
 Planning and Development Service
 PO Box 1720
 Huddersfield
 HD1 9EL
