



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/92488/W

To: N Clarke
81, Common End Lane
Lepton
Huddersfield
HD8 0AF

For: N Clarke

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 OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION
2020/91092 DEMOLITION OF EXISTING DWELLING (NO 81 COMMON END
LANE) TO BE REPLACED WITH NEW DETACHED DWELLING

At: ADJ, 81, COMMON END LANE, LEPTON, HUDDERSFIELD, HD8 0AF

In accordance with the plan(s) and applications submitted to the Council on 26-Jul-2022 [together with those plans and application(s) submitted to the Council on 22-Apr-2020 and incorporated into planning permission 2020/91092 granted on 25-Sep-2020] 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 with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP51 and LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. Prior to the hereby approved dwelling being first brought into use, the amended access to Common End Lane as demonstrated in application 2019/90144 shall be formed, and the driveway, other areas to be used by vehicles, and the area for the storage of wastes within the curtilage as shown on the approved plans shall be surfaced and drained. Any new hard surfacing shall be constructed 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on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, unless satisfactory arrangements have been made and approved under condition (8) to direct surface water to a soakaway, watercourse, or sustainable urban drainage system. These shall thereafter be retained as such, kept clear of obstructions and available for the parking and manoeuvring of vehicles at all times.

Reason: To achieve a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk arising from increased water runoff, and to accord with the aims of Policies LP21, LP22 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

3. Development shall be carried out strictly in accordance with the Ecological Design Strategy (report reference LC.CE.6.2020) dated 2nd November 2020 approved under application reference 2020/93563 granted 22nd January 2021 (to satisfy/discharge condition no. 4 (Ecological Design Strategy) imposed on previous permission 2020/91092 granted 25th September 2020. Thereafter, all features shall be retained in that manner.

Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the granting 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. Therefore, 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. An electric vehicle recharging point shall be installed within the application site to serve the parking spaces shown on the approved submitted plans. The recharging point shall be provided prior to the first occupation of the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electrical vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP20, LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and Chapters 2, 9 and 15 of the National Planning Policy Framework.

6. 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) no development included within Classes A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the residential amenity of neighbouring properties and prevent overdevelopment of the site, to accord with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy.

7. Notwithstanding the submitted plans, materials of construction of the walls of the dwelling shall consist of Yorkshire Stone on the ground and lower ground floors, and 15mm black treated match board 177mm (H) stained with sandinol uv protection stain on the first floor to the north-eastern elevation, black brick to the north-western and south-eastern elevations, and a mix of black brick on the lower ground floor and 15mm black treated match board 177mm (H) stained with sandinol uv protection stain on the ground and first floors to the south-western elevation of the building. Black brick shall also be used on the western elevation of the garage. The materials of construction shall thereafter be retained.

Reason: In the interests of visual amenity in accordance with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2 and 13 of the Housebuilders Design Guide SPD.

8. Prior to the ground floor balcony and lower ground floor covered amenity space located to the rear of the dwelling being first brought into use, 1.8m high opaque glass privacy screens shall be first installed on the north-western elevations of both the balcony balustrades and within the covered amenity space, once installed these shall be retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

9. Windows located within the north-western elevation of the dwelling hereby approved shall be fitted with obscure glass minimum grade 4. 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 Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of the neighbouring property, in accordance with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

10. Prior to the use of the sliding doors located within the first-floor rear elevation of the dwelling, balustrades shall be installed and retained in a fixed non-opening position, once installed the balustrades shall be retained thereafter to provide Juliet style balconies.

Reason: To prevent any undue overlooking from the first floor of the development approved, in the interests of residential amenity and to accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

NOTE: All contaminated 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: 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 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: 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 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
<i>Submitted under application ref: 2022/92488</i>			
Basement (Level -1) Plan Layout	DB1171-002	P5	7th November 2022
Ground Floor (Level -0) Plan Layout	DB1171-004	P5	7th November 2022
First Floor (Level + 1) Plan Layout	DB1171-006	P5	7th November 2022
Roof Layout	DB1171-007	P5	7th November 2022
Elevations	DB1171-008/1	P6	7th November 2022
Elevations	DB1171/008/2	P6	7th November 2022
Section 1	DB1171-009	P2	7th November 2022
Section 2	DB1171-010	P2	7th November 2022
Section 3	DB1171-011	P2	7th November 2022
<i>Submitted under app ref: 2020/93563</i>			
Ecological Design Strategy – Supporting Information	LC.CE.6.2020	Issue 2	9th November 2020
Coal Investigation – Supporting Information	C902/20/E/1438	-	21st October 2020
Gas Monitoring Letter by Rogers Geotechnical Ltd – Supporting Information	C902/20/E/1438	-	5th January 2021
<i>Submitted under app ref: 2020/91092</i>			
Proposed Site Plan	HD-A-697-101	4	21st August 2020
Proposed Location Plan	HD-A-697	-	30th April 2020
Existing Site Plan	HD-A-697	-	30th April 2020
Design and Access Statement – Supporting Information	HD-A-697	-	26th June 2020
Coal Mining Risk Assessment – Supporting Information	C902/20/E	-	10th July 2020
Brine Report – Supporting Information	MDJ/EZR/CLA288/8	-	24th June 2020
Homebuyers Report – Supporting Information	MDJ/EZR/CLA288/8	-	24th June 2020
3D Topographical Survey – Supporting Information	20017_3DT	-	8th April 2020
Drainage and Water Search – Supporting Information	MDJ/EZR/CLA288/8	-	24th June 2020
Ecology Report – Supporting Information	LC.CE.6.2020	-	15th 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 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.

Numerous discussions have been undertaken with the applicant in regard to the proposals and what would be deemed to be acceptable in respect of materials, and whilst amended plans were requested of which better reflect what has been built at site, these have not been forthcoming. Nonetheless, given the length of time the application has been lodged the application has been moved to determination and the Council's Planning Enforcement team notified.

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.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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 speeder installation at a later date.

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 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/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: 27-Nov-2024

Signed:



David Shepherd
Executive Director for Place

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 2022/70/92488/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
