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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/92816/W

To: Joe Hinchliffe
Hinchliffe Architecture & Design Ltd.
24 Carr View Road
Hepworth
Holmfirth
HD9 1HX

For: Simon Capewell, Capewell Construction & Developments Ltd

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 CONDITIONS 2 (PLANS) AND 3 (MATERIALS) ON PREVIOUS PERMISSION 2021/90749 FOR DEMOLITION OF DETACHED GARAGE AND ERECTION OF TWO DETACHED DWELLINGS AND ASSOCIATED LANDSCAPING

At: LAND ADJ, 105, HIGHGATE LANE, LEPTON, HUDDERSFIELD, HD8 0HQ

In accordance with the plan(s) and applications submitted to the Council on 22-Aug-2022 [together with those plans and application(s) submitted to the Council on 23-Feb-2021 and incorporated into planning permission 2021/90749 granted on 28-Jul-2021] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun before 28th July 2024.
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 Policies LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The dwellings hereby approved shall be constructed in accordance with the 'Materials Schedule Document by Hinchliffe Architecture & Design Ltd' specifying '100mm Newlay Calder Buff Walling Stone', 'Vertically spanning Cedar Cladding' and 'Marley Modern Smooth Grey interlocking Concrete Tiles', and retained as such thereafter.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4. Prior to the first occupation of either of the dwellings hereby approved, and notwithstanding the hard landscaping details in Drawing No. 001-21-PL01 Revision A, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for hard landscaping the site shall include:

- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps; and
- the position, height and materials of means of enclosure/boundary treatments.
- Timetable for the hard landscape scheme to be implemented

The development shall be undertaken in accordance with the approved details and timetable for implementation and shall be retained as such thereafter.
Reason: To ensure the creation of a pleasant environment for the development, in the interests of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan, Principle 2 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

5. Prior to the first occupation of the dwellings hereby approved, the areas indicated to be private drives on Drawing No. 001-21-PL01 Revision A for the approved dwellings shall be 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 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) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policy LP24 of the Kirklees Local Plan, Principle 12 of the Kirklees Housebuilders Design Guide SPD and Chapter 9 of National Planning Policy Framework.

6. Prior to the first occupation of the dwellings hereby approved, two parking spaces shall be provided for No.105 Highgate Lane as displayed within the blue line area on Drawing No. 001-21-PL01 Revision A, and shall be 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 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). Thereafter, these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policy LP24 of the Kirklees Local Plan, Principle 12 of the Kirklees Housebuilders Design Guide SPD and Chapter 9 of National Planning Policy Framework.

7. Prior to the commencement of development of the two parking spaces for No.105 Highgate Lane as displayed within the blue line area on Drawing No. 001-21-PL01 Revision A, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved details.
Reason: To ensure the continued health of protected trees and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies LP24 and LP33 of the Kirklees Local Plan, Principle 2 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

8. Prior to the first occupation of the dwellings hereby approved, one electric recharging point shall be installed within the dedicated parking area of each dwelling hereby approved. 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: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD and Chapters 9 and 15 of the National Planning Policy Framework.

9. The Groundworks (other than those required for a site investigation report) shall not commence until a revised Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework
10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, 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. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. Prior to the construction of dwellings hereby approved above slab level, full design details, including elevations and floor plans, of the blocking up of windows, new windows on the front and rear elevations and the removal of the conservatory to no. 105 Highgate Lane, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings approved subject of this application shall not be first occupied until the blocking up of windows, new windows and removal of the conservatory to no. 105 Highgate Lane has been carried out in accordance with the approved details.
Reason: To prevent an adverse loss of outlook for the occupiers of No.105 Highgate Lane and to comply with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

14. A bat box and a bird box shall be incorporated into each dwelling; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light and at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwellings and thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

15. 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, D or 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 prevent further development of the site, which could materially harm the visual amenity of the locality and residential amenity, and to comply with Policy LP24 of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

16. Prior to the first occupation of the dwellings hereby approved, any windows above lower ground floor level in the north west side elevation of the north west dwelling hereby approved shall be fixed shut (unless parts of the windows which can be opened are more than 1.7 metres above floor level), and obscure glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

17. Prior to the first occupation of the dwellings hereby approved, any windows above lower ground floor level in the south east side elevation of the south east dwelling hereby approved shall be fixed shut (unless parts of the windows which can be opened are more than 1.7 metres above floor level), and obscure glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 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: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

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: 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: 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.

Plans Pursuant to Planning Application 2021/90749			
Plan Type	**Reference**	**Version**	**Date Received**
Proposed Site Plan	001-21-PL01	A	6th May 2021
Location Plan	001-21-PL08	-	24th February 2021
Existing and Proposed Street Scene	105HG-20-PL04	A	6th May 2021
Existing and Proposed Sections (sheet 1)	001-21-PL05	A	6th May 2021
Existing and Proposed Sections (sheet 2)	001-21-PL06	A	6th May 2021
Plot 1 Elevations and Floor Plans	001-21-PL02	A	6th May 2021
Plot 2 Elevations and Floor Plans	001-21-PL03	A	6th May 2021
Design, Access & heritage Statement by Hinchcliffe Architecture and Design Ltd dated 22.02.2021	001-21-R1	-	24th February 2021
Phase 1 Environmental Desk Study by Rogers Geotechnical Services Ltd dated 18.02.2021	C1431/20/E/2255	-	4th March 2021
Mineral Resource Assessment by Rogers Geotechnical Services Ltd dated 18.02.2021	C1431/21/E/2255	-	4th March 2021
Highgate Lane Site Plan	HADL_01_Highate Lane (Sheet 1)	-	24th February 2021
Highgate Lane Site Plan	HADL_03_Highgate Lane (Sheet 2)	-	24th February 2021
Highgate Lane Elevation Plan	HADL_03_Highate Lane (Sheet 3)	-	24th February 2021

Plans Pursuant to Planning Application 2022/92816			
Plans Type	**Reference**	**Version**	**Date Received**
Materials Schedule Document by Hinchliffe Architecture & Design Ltd specifying '100mm Newlay Calder Buff Walling Stone', 'Vertically spanning Cedar Cladding' and 'Marley Modern Smooth Grey interlocking Concrete Tiles'	-	-	22nd August 2022

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 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 speeder 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 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: 07-Nov-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 and view existing planning applications and decisions' and by searching for application number 2022/70/92816/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
