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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/93974/W

To: Matt Grimshaw,
Northern Design Partnership
The Chapel
Mill Moor Road
Meltham
Holmfirth HD9 5JU

For: 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:-

VARIATION OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2021/91239 FOR DEMOLITION OF EXISTING DWELLINGS AND GARAGE AND ERECTION OF TWO DETACHED DWELLINGS

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

In accordance with the plan(s) and applications submitted to the Council on 19-Jan-2023 [together with those plans and application(s) submitted to the Council on 23-Apr-2021 and incorporated into planning permission ref no. 2021/62/W/91239 granted on 16-Sept-2021] 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 listed in this decision notice, drawings 2165-13RevE & 2165-02 submitted as part of application 2022/92185 (dated 23rd September 2022) and the following drawings/documents submitted as part of application 2021/91239 (dated 16th September 2021):-

212107, 212104, 212110C, 212112C, 212115B, Bat Survey (ref: MVE/LMG 041), Tree Protection Plan (ref: MVE_TPP_01_REVB), Arboricultural Impact Assessment and Method Statement (ref:- MVE/AM_021/2021/03, Phase 1 Ecological Survey Report (ref:- MVE/LA 028 26 02 2021), Examples of Retaining Walls document, 3d View of Site, 3d Views of Materials, Views from within the site, Examples of Retaining Walls on site, Examples of New Retaining Walls, House Angels 410 and 412, Other Houses in the Local Area, Valley Head Street View submitted as part of application 2021/91239

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.

2. 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.

3. The new retaining walls required to facilitate the hereby approved development and as detailed upon submitted drawing 218902RevA and on drawing 21 21 15B submitted as part of application 2021/91239 (dated 16th September 2021) 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.

4. 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.

5. The hereby approved development shall be completed in accordance with the advice and directions recommendations contained in the submitted Arboricultural Method Statement (ref: 20088/AJB) in relation to the re-siting of the garage and also 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) submitted as part of application 2021/91239 (dated 16th September 2021) related to the other elements of the proposed. 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.

6. 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 that will be placed on the balcony that serves bedroom 2 detailed on Dwg. No. 21 21 10C submitted as part of application 2021/91239 (dated 16th September 2021) 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.7.

7. 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.

8. 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 metres 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.

9. 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
Application Form			9th December 2022
Plans and Elevations	2189-03		9th December 2022
Proposed Site Plan	2189-02	A	20th January 2023

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

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: 31-Mar-2023

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 2022/70/93974/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
