Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93516/W

To: **Andy Rushby,**
Assent Planning Consultancy Ltd
Unit 12a, Railway Sawmills
Burbeary Road
Lockwood
Huddersfield
HD1 3UN

For: A ROBINSON, GREEN MOUNT PROPERTY 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:-

ERECTION OF ONE DWELLING WITH DETACHED GARAGE

At: ADJ, 71, SOUTHERN ROAD, COWLERSLEY, HUDDERSFIELD, HD4 5TJ

In accordance with the plan(s) and applications submitted to the Council on 13-Nov-2023, 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 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 to accord with Policies LP01, LP02, LP03, LP07, LP11, LP21, LP22, LP24, LP27, LP28, LP30, LP31, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, Principles 1-19 of Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to development commencing, details of how the site shall be developed with separate systems of drainage for foul and surface water on and off site, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to the dwelling first being occupied.
Reason: In the interests of drainage, flooding, residential amenity and public safety and to accord with Policy LP24b), LP27, LP28 and LP53 of the Kirklees Local Plan and Chapter 12 and 14 of the NPPF.

4. Development shall not commence until a scheme finalising the detail of the piping of the watercourse within the site, including inlets, outlets and trash screens, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped and open sections of watercourse and works for the lifetime of the site. No part of the development shall be brought into use until the watercourse piping works and comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.
Reason: In the interests of drainage, flooding, residential amenity and public safety, to have a long-term maintenance strategy to reduce the impacts of localised surface water flooding and to accord with Policy LP24b), LP27, LP28 and LP53 of the Kirklees Local Plan and Chapter 12 and 14 of the NPPF.

5. Development shall not commence until an assessment of the effects of blockage scenarios, on the ordinary watercourse passing through the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include methods of mitigating risk to the proposed and existing adjacent houses as part of a scheme to manage flood risk. The dwelling shall not be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.
Reason: In the interests of drainage, flooding, residential amenity and public safety, and to accord with Policy LP24b), LP27, LP28 and LP53 of the Kirklees Local Plan and Chapter 12 and 14 of the NPPF.

6. Prior to the construction of the dwelling hereby approved above slab level, details of all the external facing materials of the walls of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be erected in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

7. Prior to the commencement of the dwelling hereby approved above slab level, details of the external roofing material of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

8. Prior to first occupation of the dwelling hereby approved, full details of the height, materials, and position of all boundary treatments to be erected, or existing ones to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected or constructed before the dwelling is first occupied and shall thereafter be retained.
Reason: In the interests of visual and residential amenity, and to comply with Policy LP24 (a&b) of the Kirklees Local Plan, Principles 5 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

9. The dwelling hereby approved shall not be occupied until all areas indicated to be private drive and parking areas on 'Proposed Site Layout. Drawing No. 0702. P04.' are 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 Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan, Principle 12 of the Kirklees Housebuilders Design Guide SPD and Chapters 9, 12 and 14 of National Planning Policy Framework.

10. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees, shrubbery and hedgerows, including suitable native pond/aquatic plants. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity and providing biodiversity measures to meet Principle 7 and 9 of the Housebuilders Design Guide SPD, Policies LP24, LP30 and LP31 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF.

11. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order (with or without modification)) no new window openings shall be formed in the southwest elevation of the garage without the prior written approval of the Local Planning Authority.
Reason: So as to protect the residential amenity of the neighbouring occupants in accordance with Principle 6 of the Housebuilders Design Guide SPD, Policies LP24b) of the Kirklees Local Plan and Chapter 12 of the NPPF.

12. 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) all east first floor windows other than the first-floor bedroom window shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use.
Reason: To protect the privacy of the occupants of the proposed and neighbouring dwellings and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders' Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) A, AA, 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: In the interest of visual amenity, residential amenity to ensure that adequate amenity space is retained and to comply with Policies LP24a) 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.

14. In the event that contamination, or the presence of coal 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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 no. 183 and 185 of the National Planning Policy Framework

NOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

NOTE: Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S 'Infrastructure for the charging of electric vehicles'. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

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 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: Whilst the grant of planning permission is given, the applicant are reminded that it is their sole private and lawful responsibility to ensure that any groundworks or development next to retaining walls are safely carried out without disturbance or weakening of those structures. This is set out in paragraph 184 of the NPPF.

NOTE: All bin presentation points are required to be:

- Located close to, but not on, an adopted highway at the boundary of the curtilage no more than 25m from the storage point and not in a location requiring bins to be manually moved through a building, car park or passed parked vehicles.
- Sited away from windows and doors in case of fire/arson attack to enable safe emergency exit.
- A hardstanding, situated to allow convenient, level and unobstructed access for collection crews, with dropped kerbs where necessary.
- Positioned with consideration for minimising 'bin blight' on collection day – large groups of bins outside windows or blocking driveways or footpaths create a nuisance for residents and highway users.
- In conformity with Building Regulations 2010 Part H6 which states that the route between storage and presentation points should not require bins to be moved up/down slopes of more than 1:12 or multiple steps.

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 13.00 hours, 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No. 0101.	P03.	13/11/2023
Existing Site Layout.	Drawing No. FBA_232_Cowlersley.	Revision: Unamended.	28/10/2022
Proposed Site Layout.	Drawing No. 0702.	P04.	15/06/2023
Proposed Site Layout/Drainage Plan.	Proposed Site Layout/Drainage Plan by RWO Consulting Engineers. Drawing No. DWGNO.	REV.	28/10/2022
Proposed Streetscene Elevations with Sections.	Drawing No. 0000.	P01	29/08/2023
Proposed Floor and Elevation Plans for Garage.	Drawing No. 0703.	P03.	28/10/2022
Proposed Floor and Elevation Plans for Detached Dwelling.	Drawing No. 0702.	P04.	29/08/2023
Supp Info – Flood Risk Assessment	Flood Risk Assessment and Drainage Strategy by RWO. Reference: RWO/FRADS/Y21220. Dated: June 2022.	Version 1.	28/10/2022
Supp Info – Flood Risk Assessment	"Storm Sewer Design by the Modified Rational Method" Supplementary information on drainage and flooding by RWO Associates. Dated:10/05/2023	Original	11/05/2023
Supp Info – Flood Risk Assessment	Schematic Drainage Layout by RWO Associates Ltd. Drawing No. DSK1000. Revision: 2.	Original	11/05/2023

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. The case officer considered the application on review and sought further information to be supplied to evaluate measures to mitigate against drainage and flooding. Subject to conditions, the proposal would have an improvement over the existing relationship with drainage and localised flooding of direct benefit to neighbouring properties and had been recommended on this basis.

Furthermore, subject to the inclusion of the conditions set out on this decision notice, the proposed dwelling and detached garage are considered acceptable and would accord with relevant national and local planning policy.

The pre-commencement conditions have been agreed by the applicant/agent to ensure the site would be effectively drained and reduce the risk of localised surface water flooding for its future occupants and neighbours once developed.

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

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: 13-Feb-2024

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 2022/62/93516/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
