



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91261/W

To: Chris Gentle,
Northlight Architecture Ltd
The Media Centre
7, Northumberland Street
Huddersfield
HD1 1RL

For: FAZ SIDIQ, LONGWOOD PROPERTY MANAGEMENT (UK) 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 TWO DETACHED DWELLINGS WITH GARAGES,
REGRAIDING OF LAND AND ERECTION OF RETAINING WALLS TO FORM
ACCESS AND TURNING AREA FROM LOWER GATE**

At: LAND AT, ALEXANDRA ROAD WEST, Paddock, HUDDERSFIELD, HD3
4EX

In accordance with the plan(s) and applications submitted to the Council on 18-May-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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 21, 22, 24, 28, 30, 35, 51, 52 and 53 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide Supplementary Planning Document (SPD) and Policies of the National Planning Policy framework.

3. External walling materials for the dwelling and for any new retaining walls shall be regular coursed natural stone. Samples of the stone to be used in external facing, and of the roofing materials to be used, shall be submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, before work on the superstructure of the development commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Principle 13 of the Housebuilders' Design Guide SPD.

4. Prior to any new dwelling being brought into use, the sightlines of 2.4m x 43m along Lowergate, as shown on the approved site plan, shall be cleared of all obstructions to visibility exceeding 0.9 m in height and these shall be retained free of any such obstruction over 0.9m in height thereafter.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with the aims of LP21 of the Kirklees Local Plan.

5. Prior to any new dwelling being brought into use, the areas indicated to be used for the parking, turning and manoeuvring of vehicles on the approved site plan 20.1127/(AL)40 Revision B shall be cleared of all obstructions to these uses and shall thereafter be retained as such. Any new or replacement hardstanding required shall be in accordance with the Communities & 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 any successor guidance before the dwelling is first occupied unless arrangements have been made for run-off water to drain to a soakaway within the site. The areas shall thereafter be retained as such and kept clear of all obstructions to their uses shown on the approved site plan.

Reason: To ensure a satisfactory layout in the interests of highway safety, and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan and Principle 12 of the Kirklees Housebuilders Design Guide SPD.

6. Before any new dwelling is first occupied, the existing telegraph pole shall have been permanently moved to a location which does not obstruct vehicle movements into the proposed parking area as shown on the approved site plan 20.1127/(AL)40 Revision B shall and does not obstruct the sight lines referred to in Condition (4).

Reason: In the interests of highway safety and to achieve a satisfactory layout, and to accord with the aims of LP21 of the Kirklees Local Plan.

7. Before any new dwelling is first occupied, the access chamber located within the public footway shall have been permanently relocated in accordance with details that have been approved in writing by the appropriate authority, and evidence of such details having been approved (or confirmation that said authority does not require the chamber to be moved) submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the possibility of damage to local infrastructure in the interests of the safety of future occupants and highway users, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

8. 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 Act or Order with or without modification) the car ports hereby approved shall be retained as open-fronted structures and no garage doors shall be formed within them.

Reason: To ensure the turning space as shown on 20.1127/(AL)40 Revision B remains unobstructed in interests of highway safety, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

9. The areas indicated to be used on the proposed site plan for the storage and collection of wastes shall be laid out with a hard surface and made available for use before the dwelling to which they relate is first occupied, and shall thereafter be retained as such, free from obstructions to the storage and collection of wastes.

Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety and efficiency, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

10. Before any new dwelling is first occupied, details shall be submitted to and approved in writing by the Local Planning Authority of secure cycle storage for the new dwellings. The approved facilities shall be provided before the dwelling to which they relate is first occupied and thereafter retained as such.

Reason: In the interests of promoting methods of transport with low environmental impact, and healthy and active lifestyles, in accordance with the aims of Policies LP20, LP24(d) and LP47 of the Kirklees Local Plan, and Key Design Driver within the Highways Design Guide.

11. One electric vehicle recharging point shall be installed within the dedicated parking area for each of the approved dwellings before the dwelling to which the recharging point relates is first occupied. 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 accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

12. Before development commences, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the early stages of groundwork required for the development, the parking of contractors' vehicles, deliveries and dispatches from the site and the provision of workers' facilities, will be achieved without affecting highway safety and will prevent or minimise inconvenience to highway users. The development shall be implemented in full accordance with the approved Construction Management Plan throughout the period of construction.

Reason: This is a pre-commencement condition to ensure that the construction process does not give rise to safety hazards and that inconvenience to highway users is minimised, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

13. Before the development commences a slope stability risk assessment report prepared by an appropriately qualified person assessing the adequacy of the steep embankment which will be surcharged by the new development, shall be submitted to, and approved in writing by, the Local Planning Authority. The details to be submitted shall include:

(i) an assessment statement;

(ii) all necessary ground investigations on which assessment assumptions are based on;

(iii) method statements for the removal of any bulk excavation together with a full slope stability analysis and structural calculations to verify the structural adequacy of the embankment and the highway retaining wall on Lower Gate both in the short-term (i.e. during and immediately after construction) and in the long-term, subject to the results and the outcome of the ground investigation undertaken at this site.

(iv) any remedial/ mitigation measures required to deal with instability issues.

The development, including all excavations of the existing embankment, shall thereafter be undertaken in full accordance with the approved slope stability risk assessment report, including the approved method statements and remedial/mitigation measures and works required shall be thereafter retained as such.

Reason: This is a pre-commencement condition to ensure that the development does not give rise to land instability that could affect the safety of existing and future occupants or highway users, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and Paragraphs 174(f) and 183 of the National Planning Policy Framework.

14. Before development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls, including any modifications to the existing retaining wall on C641 Lower Gate, shall be submitted to and approved by the Local Planning Authority in writing. The construction of new retaining walls/building retaining walls shall be completed in accordance with the approved scheme prior to any construction of the proposed dwellings being commenced and thereafter retained.

Reason: This is a pre-commencement condition to ensure that the development does not give rise to land instability that could affect the safety of future occupants or highway users, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and Paragraphs 174(f) and 183 of the National Planning Policy Framework.

15. Before development commences, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

Reason: This is a pre-commencement condition to ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

16. Before any new dwelling is first brought into use, a comprehensive scheme for the landscaping of the site including boundary treatments and an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority, which shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.
- b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- c. Details of the design of all new and retained boundary treatments, including balustrades for the upper gardens, and demonstrating, where appropriate, that these will not obstruct the movement of hedgehogs.
- d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e. Details of maintenance.

The approved landscaping scheme and EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of enhancing the biodiversity of the site and to accord with the aims of Policy LP30(ii) of the Kirklees Local Plan, and Principle 9 of the Kirklees Housebuilders Design Guide SPD and the National Planning Policy Framework – Conserving and enhancing the natural environment.

17. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority before clearance begins.

Reason: to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 and the requirements of Section 15 of the National Planning Policy Framework.

18. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and 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 183 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that contamination can be properly investigated at an early stage.

19. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (18) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and 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 183 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that contamination can be properly investigated at an early stage.

20. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (19) 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that appropriate remedial measures undertaken at an early stage.

21. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (20). 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 in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework.

22. 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 in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework.

23. Before construction work commences above foundation level, a report specifying the measures to be taken to protect the development from noise from nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:-

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

All works specified in the approved report shall have been carried out in full before the dwelling to which they relate is first occupied, and such works shall be thereafter retained.

Reason: To ensure that future occupants do not suffer from loss of amenity arising from noise, and to accord with the aims of Policy LP24(b) and LP52 of the Kirklees Local Plan.

Note – Vehicular access. The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

Note – The details required in respect of conditions (13) and (14) will require the approval of the Council's Highway Structures team and it is recommended that the submission be in the form of an Approval In Principle (AIP) to be completed before any submission of application to approval details reserved by planning condition.

Note – Contamination reports. 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 – Noise assessments. All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18-May-2023
Vehicle swept paths drawing	EC49-23-28-E-01		22-Sep-2023
Proposed site layout	(AL)40	B	24-Oct-2023
Proposed sections and elevations	(AL)41	A	22-Sep-2023
Proposed floorplans	(AL)42		27-Apr-2023
Proposed elevations	(AL)43		27-Apr-2023
Climate change statement			18-May-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 requested further details of refuse collection and of vehicle access and turning arrangements during the application process. These were received and were considered to be satisfactory.

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.

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: 14-Nov-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 planning applications and decisions' and by searching for application number 2023/62/91261/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
