



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/93295/W

To: Mannan Iqbal
Unite Designs
6a, Greenhead Road
Huddersfield
HD1 4EN

For: M RAFIQ

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 DETACHED DWELLING

At: ADJ, 1, OASTLER AVENUE, SPRINGWOOD, HUDDERSFIELD, HD1 4EU

In accordance with the plan(s) and applications submitted to the Council on 14-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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 21, 22, 24, 28, 30 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, as well as the aims set out in the National Planning Policy Framework.

3. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity, including the possible presence of mine gas; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented onsite in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This information is required pre-commencement to ensure that the future occupants of the development are not exposed to the risk of land instability or other environmental hazards arising from coal mining legacy, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph 189(a) of the National Planning Policy Framework.

4. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the future occupants of the development are not exposed to the risk of land instability or other environmental hazards arising from coal mining legacy, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph 189(a) of the National Planning Policy Framework.

5. Samples of the stone to be used in external facing and the roofing materials to be used, shall be submitted to 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, Principle 13 of the Housebuilders' Design Guide Supplementary Planning Document and chapter 12 of the National Planning Policy Framework.

6. Prior to the dwelling being occupied, the areas for the parking or otherwise to be used by vehicles, as shown on the site plan as proposed, shall be surfaced and drained. Any new or replacement hard-surfacing shall be formed in accordance with the Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, unless arrangements have been made to discharge run-off water from the parking spaces to a soakaway within the site. The areas used for the parking and turning of vehicles shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.

Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

7. Before the dwelling is first occupied, the area within the sight line and all land within an area measured 2m back from the footway boundary along the full width of the driveway / parking spaces as shown on the approved site plan shall be cleared of all obstructions to visibility of over 900mm in height above the adjacent footway, and thereafter so retained.

Reason: In the interests of ensuring a satisfactory level of intervisibility for vehicles and pedestrians, to accord with the aims of Policies LP20-22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide Supplementary Planning Document.

8. Notwithstanding the details on the approved plans, details of the means of screening or enclosure for the proposed bin storage area shall be submitted to and approved in writing by the Local Planning Authority before the dwelling is first occupied. The areas indicated to be used on the proposed site plan for the storage of wastes shall be laid out with a hard surface and made available for use, and the approved screening or enclosure erected before the dwelling is first occupied, all of which shall thereafter be retained as such, free from obstructions to its use for the storage of waste bins.

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, or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide Supplementary Planning Document.

9. Notwithstanding the details on the approved site plan, an amended site plan shall be submitted to and approved in writing by the Local Planning Authority showing a hard-surfaced path leading from bin store to the hard-surfaced area shown on the site plan as approved. The path shall be formed before the new dwelling is first occupied and thereafter so retained.

Reason: To ensure that the proposed bin store is accessible and that there are no obstacles to the disposal and collection of wastes, and to accord with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide Supplementary Planning Document.

10. The first and second-floor windows in the rear elevation shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the dwelling is first occupied. 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), these windows shall be retained as such thereafter.

Reason: So as not to detract from the amenities of adjoining properties or land by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

11. 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), no window or other openings shall be formed in the side elevations of the new dwelling at ground floor level unless they have a sill at least 1.7m above internal floor level.

Reason: So as not to detract from the amenities of adjoining properties or land by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

12. Before the new dwelling is first occupied, a full scheme of new and retained boundary treatments for the site 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 thereafter retained.

Reason: To protect the privacy of existing and future residents and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

13. One electric vehicle recharging point shall be installed within the dedicated parking area for the approved dwelling before it 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 32 Amps. 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 National Planning Policy Framework, to promote infrastructure which encourages modes of transport with low carbon emissions.

14. Before the dwelling is first occupied, a single artificial bat roost feature shall be installed, integral to the fabric of the building, a minimum of 4m from the ground on the western, northern or eastern elevation and not placed directly above a window or door. This shall be retained thereafter.

Reason: To ensure that biodiversity net gain is delivered in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

15. Before development above foundation level 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: 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 and Principle 18 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

NOTE – Bin enclosures

It is recommended that the bin enclosure referred to in Condition (8) is built in a durable, weatherproof material (not timber) for ease of maintenance.

NOTE - Construction Site Working Times

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			06-Nov-2023
Coal mining report			06-Nov-2023
Design & access statement			06-Nov-2023
Climate change statement			04-Mar-2024
Site plan as proposed	UD-556 – 01		11-Mar-2024
Elevations as proposed	UD-556 – 02		11-Mar-2024
Proposed floorplans	UD-556 – 03		06-Nov-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 amendments in the interests of visual amenity and of ensuring suitable access and parking arrangements would be delivered. This decision is based on those amended plans.

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

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

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

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier 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 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-Mar-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 2023/62/93295/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
