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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91673/W

To: James Butterworth,
Studio J Architects Ltd
Office 35, The Junction
Charles Street
Horbury
WF4 5FD

For: Mr Khan, Milieu Living Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2023/91327 FOR ERECTION OF DETACHED DWELLING

At: LAND ADJACENT TO, 152 , SOMERSET ROAD, ALMONDBURY, HUDDERSFIELD, HD5 8HY

In accordance with the plan(s) and applications submitted to the Council on 26-Jun-2024 [together with those plans and application(s) submitted to the Council on 17-May-2023 and incorporated into planning permission 2023/91327 granted on 07-Feb-2024] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun prior to the 6th February 2027.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. Notwithstanding the approved plans and information, 1 new bat box similar to the Schwegler 1WI Bat Box, shall be installed integral to the new dwelling during the period of construction on the southern (side) elevation, at least 7m above ground level and not directly above any doors or windows. Thereafter the bat box shall be retained.
Reason: To provide an enhancement to biodiversity in line with LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes AA, A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the previously approved 'Existing Site Plan' drawing no. MIL-001-01 Rev P01, received 5th May 2023 without the prior written consent of the Local Planning Authority.
Reason: To avoid any future alterations which may lead to impacts upon adjacent neighbouring properties in respect of overshadowing and appearing overbearing in nature, as well as future amendments having the potential to 'dilute' the overall appearance of the dwelling hereby approved or result in overdevelopment of the site. To accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. Windows located on the northern and southern elevations (side) of the dwelling hereby approved shall be fitted with obscure glazing minimum grade 4. 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 Order with or without modification), the windows shall thereafter be so retained obscurely glazed.
Reason: To protect the amenity of adjacent neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

7. A scheme detailing the external materials to be used in the construction of the dormer windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above first floor level. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.
Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

8. Notwithstanding the plans submitted, a scheme detailing the external materials of construction of development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction of the building above slab level. The submitted scheme shall include details of the natural stone, white render and natural grey slate roofing tile to be used, as well as all the colour finish of all rainwater goods, doors and windows. The areas of the dwelling where natural stone and render is intended to be used shall be accurately demonstrated. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.
Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

9. The integral garage shown within the dwelling hereby approved, shall not be used for any purpose other than the parking of vehicles incidental to the dwelling to which they hereby relate.
Reason: To ensure that sufficient off-street parking is provided for future occupiers and to accord with Policy LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

10. Notwithstanding the details of access to the site from Somerset Road shown on previously approved landscape plan ref MIL-001-05 P04, the point of access to Somerset Road is not approved. Before any dropped crossing is formed into the site from Somerset Road, and before first occupation of the dwelling, a revised scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details the point of access into the site. The development shall not be brought into use until the approved scheme has been completed which shall be retained thereafter.
Reason: To ensure that access into the site can be provided to accord with Policy LP21 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, and Principle 12 of the Housebuilders Design Guide SPD.

NOTE: In relation to Condition 10, the 'informal' disabled parking bay along Somerset Road to the front of the site would need to be demonstrably relocation/removed or an alternative point of access demonstrated. This is to ensure that a suitable and safe access can be provided to the dwelling hereby approved and having due regard to the Equality Act 2010.

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 Scene: 01484 221000) regarding 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: The applicant/developer's attention is drawn to the requirements of Paragraph 184 of the National Planning Policy Framework which states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Plans and Specifications Schedule:

Plan Type	**Reference**	**Web ID**	**Date Received**
As submitted under application 2024/91673			
Proposed Plans	772-001	F	12th September 2024
Proposed Elevations	772-002	E	12th September 2024
Proposed Street Elevation	MIL-001-06	P04	17th September 2024
As submitted under application 2023/91327			
Existing Site Plan	MIL-001-01	P01	5th May 2023
Existing Site Plan	MIL-001-02	P01	5th May 2023
Proposed Landscape Plan	MIL-001-05	P04	18th November 2023
Parking Response – Supporting Information	-	-	10th July 2023
Climate Change Statement – Supporting Information	-	-	17th 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought in respect of removing the proposed increase to the cat slide roof to the rear, in the interests of residential amenity. Officers also requested the garage and garage door to be reverted back to the previously approved design to ensure that safe and suitable access can be provided at the site for 3 vehicles.

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.

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: 18-Sep-2024

Signed: 

David Shepherd
Executive Director for Place

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 2024/70/91673/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
