Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/93397/W

To: Michael Chow,
Jade3 Architecture
Studio 12
Silver Street
Wakefield
WF1 1UY

For: I BHULLAR

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:-

DEMOLITION OF EXISTING DWELLING AND ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE, NEW VEHICULAR SITE ACCESS AND ASSOCIATED WORKS

At: 320, COWCLIFFE HILL ROAD, FIXBY, HUDDERSFIELD, HD2 2HN

In accordance with the plan(s) and applications submitted to the Council on 02-Dec-2024, 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 (as amended).

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, LP31 and LP52 of the Kirklees Local Plan, Principles 4, 5, 6, 12, 13, 14, 15, 16, 17 and 19 of the Councils adopted House Builders Design Guide, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapters 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. 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 Agencies '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on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.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 ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. No part of the development shall be brought into use until the existing access from Cowcilffe Hill Road has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to ensure safety to highway users in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved plan(s) 103RevA and delivered prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.
Reason: In the interests of highway safety and to ensure the free and safe use of the highway in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. 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) B and C of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers and does not lead to overlooking to accord with policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

7. The raised patio to the front of the property shall not be brought into use until a 1.8 metre obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) or timber fencing or metal balustrade to a height of 1.8m high has been constructed on the southeast elevation of the raised patio. The obscure glazed screen or timber fencing or metal balustrade shall thereafter be retained.
Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

8. The development shall not be brought into use until a biodiversity landscaping scheme has been submitted to, and agreed in writing by the Local Planning Authority. The submitted scheme shall detail how species rich locally native grassland mixes will be incorporated. The development shall be completed in accordance with the approved scheme within the first planting season following any part of the development hereby approved being brought into use. The approved scheme shall thereafter be retained and maintained for the lifetime of the development. All areas of soft landscaping approved by this condition shall remain soft landscaped for the lifetime of the development.
Reason: A pre commencement condition is required to ensure that habitat and biodiverse planting is provided by the development to accord with policies LP24 & LP30 of the Kirklees Local Plan, Principle 13 of the Councils adopted Housebuilders Design Guide SPD and the National Planning Policy Framework.

9. Development above slab/foundation level shall not commence until details of all external materials including walls, roofs, doors, windows, surfacing, rainwater goods and colour finishes to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

10. Other than demolition works, no further development shall commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved together with corresponding existing and finished ground levels related to Ordnance Datum or an identifiable temporary datum has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall thereafter be carried out in accordance with the details so approved before the dwelling is first occupied and thereafter retained.
Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the ensuing development is undertaken in the interests of residential amenity of adjacent land and buildings and visual amenity.

11. Other than demolition works, no further development shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls adjacent to the existing PROW (HUD/384/10) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction of the proposed dwelling and thereafter retained during the life of the development.
Reason: In the interests of visual amenity and to ensure the safety of users of PROW (HUD/384/10), in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

12. In the event that contamination not previously identified by the developer 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 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. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as 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. Noted and agreed.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.
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: No construction related noise shall be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

NOTE: 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.

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: Public footpath HUD/384/10 is adjacent to the development site/form access to the site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Contact via email can be made at publicrightsofway@kirklees.gov.uk.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	99	-	02/12/2024
Existing Site and Ground Floor	109	-	02/12/2024
Existing elevations	111	-	02/12/2024
Grouped plans and elevations	110	-	02/12/2024
Proposed upper ground	104	A	31/03/2025
Proposed location in relation to neighbouring properties	97	-	31/03/2025
Proposed elevations	108	A	31/03/2025
Proposed lower ground	100	A	31/03/2025
Proposed first floor	102	A	31/03/2025
Proposed lower ground	103	A	31/03/2025
Proposed first floor	105	A	31/03/2025
Proposed rear aerial	106	A	31/03/2025
Proposed upper ground	101	A	31/03/2025
Proposed front view	107	A	31/03/2025
Application form			02/12/2024
Climate change statement			02/12/2024
Design and access statement			04/12/2024

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 agent was contacted as it was considered that the original plans did not comply with principles set out within the Housebuilders Design Guide and policies within the Kirklees Local Plan. The agent submitted amended plans which have been discussed within the officers report.

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Where 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: 23-Apr-2025

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 planning applications and decisions' and by searching for application number 2024/62/93397/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