Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/90346/W

To: Jwad Ashraf,
Hudds Design
103-105, Bradford Road
Fartown
Huddersfield
HD1 6DZ

For: MR BANWAIT

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 (WITHIN A CONSERVATION AREA)

At: 8, HUNGERFORD ROAD, EDGERTON, HUDDERSFIELD, HD3 3AL

In accordance with the plan(s) and applications submitted to the Council on 05-Feb-2019, 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 Policy PLP24 (as modified) of the Kirklees Local Plan.

3. Samples of all facing and roofing materials shall be submitted to, or inspected on site, and approved in writing by, the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be implemented using the approved materials and thereafter retained.
Reason: In the interests of visual amenity and to accord with the aims of Policy PLP24 (a) (as modified) of the Kirklees Local Plan.

4. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Hungerford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with the aims of Policy PLP21 (as modified).

5. Prior to the development being brought into use, the approved vehicle parking areas shall be provided and cleared of all obstructions to their use. Any new hard surfacing laid in the area used for parking shall be formed 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. The approved parking spaces shall thereafter be retained and kept free of all obstructions to their use for the parking of vehicles.
Reason: To ensure that safe and satisfactory parking arrangements are provided and retained within the site in the interests of highway safety, to ensure that any new hardstanding reduces run-off and flood risk, and to accord with the aims of Policy PLP21 (as modified), PLP22 (as modified) and PLP28 (as modified).

6. Before the dwelling hereby approved is first occupied or brought into use, one artificial bat roost feature shall be installed at least 4m above ground, avoiding the western elevation, and one artificial bird nesting feature shall be installed at eaves height, avoiding the southern elevation. In both cases these shall be integral to the new dwelling and not directly above doors or windows. These shall be installed before the hereby approved dwelling is occupied and thereafter retained.
Reason: To ensure appropriate ecological enhancement is delivered in accordance with the aims of Policies PLP24(h) and PLP30 (as modified) of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby 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 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In accordance with the aims of Policy 24(d & v) (as modified) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external eastern side wall of the dwelling at ground floor level at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy PLP24 (b) (as modified) of the Local Plan.

9. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification including paragraph A.1(ea)), no extensions shall be erected within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
Reason: So as to retain adequate planning control over the site in the interests of preventing future extensions which could harm the setting of the adjacent grade 2 Listed Building, and to accord with the aims of Policy PLP24(a) (as modified) and PLP35 (as modified) of the Local Plan and the National Planning Policy Framework part 16.

Footnote:
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) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			05-Feb-2019
Existing front and rear elevations	HD-A-312-008	A	12-Mar-2019
Existing ground floor plan	HD-A-312-102		05-Feb-2019
Location plan	HD-A-312-001		05-Feb-2019
Existing first floor plan	HD-A-312-003		05-Feb-2019
Proposed front and rear elevations	HD-A-312-003	C	15-Apr-2019
Proposed side elevations	HD-A-312-104	C	15-Apr-2019
Proposed ground floor plan with parking layout	HD-A-312-101	C	30-Apr-2019
Proposed second floor	HD-A-312-106	A	02Apr-2019
Proposed first floor	HD-A-312-103	A	02-Apr-2019
Proposed site plan with parking layout	HD-A-312-102	B	30-Apr-2019
Design, access and heritage statement			12-Mar-2019
Bat survey			12-Feb-2019

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 undertook negotiations with the applicant to secure amended plans modifying the design of the proposed dwelling and clarifying the parking arrangements to ensure that it conserved and enhanced the significance of the Edgerton Conservation Area and adjacent grade 2 Listed Building, and provided adequate and safe parking.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate . 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: 02-May-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

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 2019/62/90346/W.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
