Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/92759/W

To: P D Architectural Services
1, Beckside
Shelf
Halifax
HX3 7QG

For: S HUSSAIN

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:-

PARTIAL DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING

At: 388, BRADLEY ROAD, BRADLEY, HUDDERSFIELD, HD2 1PU

In accordance with the plan(s) and applications submitted to the Council on 15-Sep-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 to accord with Policies LP01, LP02, LP03, LP07, LP11, LP21, LP22, LP24, LP28, LP34, LP51 and LP52 of the Kirklees Local Plan, Principles in the Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 6, 9, 11, 12 and 14 of the National Planning Policy Framework.

3. The elevations of the dwelling hereby approved shall be externally faced in red brick and a buff/beige render finish. The red brick shall be matched to the existing red brick in all respects as far as is practicable. In the event alternative materials of construction are intended to be used to the elevations no works shall take place until a scheme detailing the materials of construction of all elevations has first been submitted to, and approved in writing by, the Local Planning Authority. The elevations of the dwelling shall be completed in accordance with the materials of construction as approved by this condition and shall thereafter be retained.
Reason: In the interests of visual amenity and to comply with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD as well as policies within Chapter 12 of the National Planning Policy Framework.

4. The roofing materials of the dwelling hereby approved shall be thin leading edge grey concrete tiles. The roofing materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interests of visual amenity and to comply with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD as well as policies within Chapter 12 of the National Planning Policy Framework.

5. The development shall not be occupied until both of the bathroom first floor windows in the southwest and northeast side elevations are installed, they shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glass.
Reason: So as not to detract from the amenities of the adjoining properties by reason of loss of privacy and to accord with policies LP24b of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. 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 roof extensions or alterations to the roof, including those falling within Schedule 2, Part 1, Class(es) B or C of the above Order shall be erected or constructed within the application site at any time.
Reason: So as to ensure that inappropriate extensions do not lead to an adverse impact upon visual amenity by reason of overdevelopment of the site or further erosion of the host's character and design to accord with Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

7. Prior to the development being brought into use, the approved vehicle parking areas (including the turning point) 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, to achieve a satisfactory layout and to accord with Policies LP22 & LP28 of the Kirklees Local Plan.

8. A bird box shall be installed within the red line boundary before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development
Reason: In the interests of the biodiversity of the site and in accordance with policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and, policies within Chapter 15 of the National Planning Policy Framework.

FOOTNOTE: The applicant is reminded that parking over footways and verges is only permissible under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges) which may not be forthcoming. Parking within the assigned off-street parking areas within the plot will avoid this. Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: 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**
Existing layout and elevations, Location Plan and Site Plan	Drawing no. 2210/01		18/09/2023
Existing and Proposed Site Plan with Parking/Landscaping Layout	Drawing no. PDA 23-157-002	A	12/01/2024
Proposed Block, Floor, Roof, Elevation and Streetscene Elevation Plans	Drawing no. PDA 23-157-001	C	12/01/2024
Climate Change Statement	-	-	18/09/2023

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 undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual amenity.

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/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: 30-Jan-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 2023/62/92759/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