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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91565/E

To: Rashid Moghul,
363 Architecture
985, Leeds Road
Bradford
bd3 7nd

For: P Aftab

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 CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2023/90923 FOR ERECTION OF DETACHED DWELLING (WITHIN A CONSERVATION AREA)

At: ADJ, 287, OXFORD ROAD, GOMERSAL, CLECKHEATON, BD19 4JP

In accordance with the plan(s) and applications submitted to the Council on 31-May-2024 [together with those plans and application(s) submitted to the Council on 29-Mar-2023 and incorporated into planning permission 2023/90923 granted on 9-Aug-2023] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun by 09-AUG-2026.
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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24, LP28, LP30 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted details, prior to work commencing on the superstructure of the dwelling hereby approved, full specifications and details of the external materials for the walls (all external masonry shall be natural sandstone; travertine shall not be used) and roof (natural blue slate) of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used to face the dwellings and retained thereafter.
Reason: As to ensure the high quality design and finish to the dwelling and protect the visual amenity of the application site and wider area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the Housebuilders Design Guide Supplementary Planning Document.

4. Before the electrical system is installed, one electric vehicle charging point for charging electric vehicles and other ultra-low emission vehicles shall be installed. The charging point shall meet at least the following minimum standard for numbers and power output:
A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space.
Parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. Prior to occupation of the dwelling hereby approved, details and a plan of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Boundary treatment shall be erected in complete accordance with the approved scheme and retained thereafter for the lifetime of the development.
Reason: In the interests of visual amenity within the Conservation Area setting and to ensure a suitable standard of amenity for neighbouring occupiers, in accordance with Kirklees Local Plan policies LP24 and LP35, Chapters 12 and 16 of the National Planning Policy Framework and the Housebuilders Design Guide Supplementary Planning Document.

6. Prior to the first occupation of any new 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.
Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

7. Notwithstanding the plans hereby approved, one bat box shall be provided in either side elevation, set within the gable end or at the first floor level. The bat box shall be of a built in design integrated within the wall cavities. The bat box shall be provided prior to the occupation of the dwelling and be retained thereafter.
Reason: As to ensure a biodiversity net gain in provided on the site in accordance with Local Plan policy LP30 and Chapter 15 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.
Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification
Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Location Plan	LP-01		30/03/2023
Proposed Site Plan	PROJ12-XX-XX-00-DR-A-100	A	31/05/2024
Proposed North Elevations	PROJ12-XX-XX-ZZ-DR-A-201	D	23/07/2024
Proposed South Elevations	PROJ12-XX-XX-ZZ-DR-A-202	E	23/07/2024
Proposed East Elevations	PROJ12-XX-XX-ZZ-DR-A-200	E	23/07/2024
Proposed West Elevations	PROJ12-XX-XX-ZZ-DR-A-204	D	23/07/2024
Proposed Ground Floor Plan	PROJ12-XX-XX-00-DR-A-101	B	31/05/2024
Proposed First Floor Plan	PROJ12-XX-XX-01-DR-A-102	B	31/05/2024
Proposed Second Floor Plan	PROJ12-XX-XX-RF-DR-A-103	B	31/05/2024
Proposed Roof Plans	PROJ12-XX-XX-RF-DR-A-104	C	31/05/2024
Proposed 3D View 3	PROJ12-XX-ZZ-ZZ-DR-A-503	C	31/05/2024
Climate Change Statement			30/03/2023
Ecological Impact Assessment	200672/EcIA		30/03/2023
General	PVCu-Sliding-Sash-Windows-Brochure		30/03/2023
Bat Survey	140735		30/03/2023
Design and Access Statement			30/03/2023
Conservation / Heritage Statement			30/03/2023
Arboricultural Impact Assessment	BS5837:2012		30/03/2023
Knotweed Report			30/03/2023

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 Planning Authority has, 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.

Officers had significant concerns regarding the increased roof height and the additional massing this would add to the front of the building, as well as concerns regarding the design of the steeply pitched roof. Officer also had concerns regarding the changes to the design of the façade and the removal of architectural detailing, particularly around the doorway. Amended plans were sought and received.

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.**

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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: 26-Jul-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 and view existing planning applications and decisions' and by searching for application number 2024/70/91565/E .

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
