Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/94089/W

To: M Ahmad Iqbal,
IQ Architecture & Design
The Studio
96, Blacker Road
Birkby
Huddersfield
HD1 5HN

For: MR IMRAN MOHAMMED

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:-

ERECTION OF SINGLE STOREY EXTENSIONS AND ALTERATIONS TO EXISTING WAREHOUSE TO FORM BUILDERS MERCHANTS (SUI GENERIS) TOGETHER WITH ANCILLIARY TRADE COUNTER

At: FLINDERS MILL, ST JOHN'S ROAD, BIRKBY, HUDDERSFIELD, HD1 5HU

In accordance with the plan(s) and applications submitted to the Council on 06-Jan-2017, 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 by 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 so as to ensure the satisfactory appearance of the development on completion, in the interests of highway safety, residential amenity, to mitigate flood risk, to preserve the character and appearance of the Conservation Area and to accord with Policies BE1, BE2, BE5, and T10 of the Kirklees Unitary Development Plan, PLP24 and PLP27 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. A scheme detailing the proposed access road improvements shall be submitted to and approved in writing prior to the commencement of development. The scheme shall include full sections, drainage works, lighting, signing, surface finishes, the treatment of sight lines and a timetable for implementation. The scheme shall then be implemented in accordance with the approved details and timetable for implementation and be retained as such thereafter.
Reason: To ensure that suitable access is available for the development as the proposed development will introduce an intensification of the substandard access which is not in the interests of highway safety and to accord with policy T10 of the Kirklees Unitary Development Plan, PLP21 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: The change of use would lead to an increase in the number and nature of traffic movements which would need to be mitigated in accordance with an appropriate scheme and within an appropriate timescale.

4. Notwithstanding the submitted plans and information, details for walls/fencing for all boundaries of the site, including the design, height, materials, and position, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the superstructure of either extension. The development shall then be completed in accordance with the approved details before the development is first brought into use and thereafter retained.

Reason: In the interests of visual amenity, so as to conserve the historic character of the Birkby Conservation Area, in the interest of residential amenity, and to accord with Policies BE5, BE1, and BE2 of the Unitary Development Plan, policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

5.Notwithstanding the submitted plans and information, details of the materials and appearance of the walls and roofs associated with the proposed development, together with full details of the works and materials proposed for the alterations to the existing building shall be submitted to and approved in writing prior to the commencement of the superstructure of either extension. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity, so as to conserve the historic character of the Birkby Conservation Area, and to accord with Policies BE5, BE1, and BE2 of the Kirklees Unitary Development Plan, policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

6. Notwithstanding the submitted plans and information, details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the superstructure of either extension. The development shall then be completed in accordance with the approved details before either of the extensions hereby approved is first brought into use and thereafter retained free of obstruction to such use.

Reason: To comply with the Council's sustainability objectives and to accord with Policies BE1 and T17 of the Kirklees Unitary Development Plan, PLP21 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

7. Notwithstanding the submitted plans and information, details of the storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority before either of the extensions hereby approved is first brought into use. The development shall then be completed in accordance with the approved details before the building is first brought into use and thereafter retained free of obstruction to such use.

Reason: In the interests of visual and residential amenity and highway safety in accordance with Policies BE1 and T10 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site 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 agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole 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.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework, Policy G6 of the Unitary Development Plan and Policy PLP53 of the Publication Draft Local Plan. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

9. Before either of the extensions hereby approved is first brought into use the hardsurfaced areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority and these areas surfaced and drained in accordance with the details so approved. Thereafter these areas shall be retained surfaced and drained in accordance with the approved details.
Reason: In the interests of highway and pedestrian safety and to mitigate flood risk in accordance with Policy T10 of the Unitary Development Plan, Policies PLP21 and PLP28 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

10. Except for the circumstances referred to in Condition 11, there shall be no activity on the premises outside the hours of 7.30 to 18.00 Monday to Friday and 08.00 to 12.00 noon on Saturdays. There shall be no activity on the premises on Sundays or Bank Holidays.

Reason: In the interest of residential amenity and to protect nearby residents from unacceptable levels of noise and disturbance and to accord with the National Planning Policy Framework chapter 11 and policies D2 and EP4 of the Kirklees Unitary Development Plan, policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

11. Notwithstanding the requirements of Condition 10, for a 12-month trial period commencing upon the date of this permission, there shall be no activity on the premises outside the hours of Monday to Saturdays 07:00 - 18:30 and 10 – 16:00 on Sundays and Bank Holidays. At the end of the 12-month trial period this condition (11) shall expire and condition 10 shall thereafter apply in its entirety.

Reason: To allow the applicant a trial period in which the local planning authority can assess the impact of the proposed hours of use and whether these can be undertaken without material harm to the amenities of the occupiers of nearby residential dwellings in terms of noise and disturbance. This would respond positively to the proposed economic growth whilst seeking to secure a good standard of amenity for existing occupiers of land and buildings in accordance with the core planning principles, Chapters 1 and 11 of the National Planning Policy, Policy D2 of the Kirklees Unitary Development Plan and policy PLP24 of the Kirklees Publication Draft Local Plan.

12. Notwithstanding Conditions 10 and 11, no deliveries to or dispatches from the premises shall be undertaken by HGVs or LGVs, as defined by the Road Traffic Act 1988 (or any Act revoking and re-enacting this with or without modification) outside the hours of 08:00 to 17:00 Monday to Friday.

Reason: In the interest of residential amenity and to protect nearby residents from unacceptable levels of noise and disturbance and to accord with the National Planning Policy Framework chapter 11 and policies D2 and EP4 of the Kirklees Unitary Development Plan and policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan.

13. No external display or storage of goods, materials, plant, machinery or equipment shall take place on the site.
Reason: In the interest of residential amenity and to protect nearby residents from unacceptable levels of noise and disturbance from activities associated with the external display and storage of goods and to accord with the National Planning Policy Framework chapter 11 and core planning principles, Policies PLP24 and PLP52 of the Publication Draft Local Plan and policies EP4 and D2 of the Kirklees Unitary Development Plan.

14.Prior to the commencement of the superstructure of either extension a scheme detailing landscaping, tree/shrub planting, including the indication of all existing soft landscape on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development as shown on drawing no. lQ16.027.P – 04D shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that there is a well laid out landscape scheme in the interests of visual amenity and biodiversity so as to accord with Policy BE2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and to accord with the National Planning Policy Framework Chapters 7 and 11.

15. Prior to the commencement of the superstructure of either extension a comprehensive schedule of landscape maintenance, pursuant to the scheme approved condition 14, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method of site improvement,

- Where relevant removal of weed species,
- ground preparation and details of new tree and shrub planting and maintenance, and
- timescales and arrangements for its implementation.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.
Reason: To ensure that there is a well laid out landscape scheme in the interests of visual amenity and biodiversity so as to accord with Policy BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and to accord with the National Planning Policy Framework Chapters 7 and 11.

Informatives

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 13.00hours , 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 can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Advice to applicant– Environmental Permitting Regulations (EPR)
This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Clayton Dyke culvert, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Existing Site Plan and Section AA	IQ16.027.P - 02	B	04/01/2017
Location Plan	IQ16.027.P - 01	B	04/01/2017
Existing Plans and Elevations Design and Access Statement	IQ16.027.P - 03	B	04/01/2017 12/12/2016
Proposed Site Plan & Section AA	IQ16.027.P - 04	D	15/09/2017
Proposed Elevations	IQ16.027.P - 06	D	15/09/2017
Proposed Plans	IQ16.027.P - 05	D	15/09/2017
Application form			04/01/2017

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval. The applicant has amended the application to take into account the nearest residential properties and the proximity of a culvert which runs across the site following concerns raised by officers.

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: 27-Dec-2017

Signed:



Naz Parkar
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 2016/62/94089/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