Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/90965/W

To: Ranjit Ma'an,
Ma'an Architecture
80, Butternab Road
Beaumont Park
Huddersfield
HD4 7AZ

For: Jagdish Bhulla, Bridge Work Wear

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 BASEMENT AND GROUND FLOOR EXTENSION TO SHOP AND FIRST AND SECOND FLOORS TO CREATE 2 FLATS (WITHIN A CONSERVATION AREA)

At: BRIDGE WORK WEAR, 8, SCAR LANE, MILNSBRIDGE, HUDDERSFIELD, HD3 4PE

In accordance with the plan(s) and applications submitted to the Council on 14-Jul-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.

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 the character and appearance of the Milnsbridge Conservation Area, residential amenity and highway safety and to accord with Policies BE1, BE5, T10 and BE2 of the Unitary Development Plan, PLP21, PLP24 and PLP35 of the Publication Draft Local Plan.

3. Samples of all facing materials, including those for the heads and cills of doors and windows, shall be submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, before work on the superstructure of the development commences and the development shall be implemented using the approved materials. Roofing materials shall be natural blue slate to match that used on the existing building.
Reason: In the interests of visual amenity in the interests of the character and appearance of the Milnsbridge Conservation Area, and to accord with Policies BE1, BE5, and BE2 of the Unitary Development Plan, PLP24 and PLP35 of the Publication Draft Local Plan.

4. Gable ends shall be terminated with either a stone coping or a mortar joint and not with bargeboards.
Reason: To ensure that the development conserves and enhances the character and appearance of the Milnsbridge Conservation Area and to accord with the aims of Policy BE5 of the Unitary Development Plan, PLP35 of the Publication Draft Local Plan and chapter 12 of the National Planning Policy Framework.

5. An opaque black panel shall be fitted where shown on the section (drawing 655-02 Rev E) to disguise the floorplate between the first and second floor apartments, before either apartment is first occupied or brought into use, and thereafter retained.
Reason: To ensure that the development conserves and enhances the character and appearance of the Milnsbridge Conservation Area and to accord with the aims of Policy BE5 of the Unitary Development Plan, PLP35 of the Publication Draft Local Plan and chapter 12 of the National Planning Policy Framework.

6. All false windows shown on the western elevation shall be formed using coursed stone recessed by a minimum of 25mm from the external face of the side wall.
Reason: To ensure that the development conserves and enhances the character and appearance of the Milnsbridge Conservation Area and to accord with the aims of Policy BE5 of the Unitary Development Plan, PLP35 of the Publication Draft Local Plan and chapter 12 of the National Planning Policy Framework.

7. Gutters shall be supported by corbels and not fixed to a fascia board.
Reason: To ensure that the development conserves and enhances the character and appearance of the Milnsbridge Conservation Area and to accord with the aims of Policy BE5 of the Unitary Development Plan, PLP35 of the Publication Draft Local Plan and chapter 12 of the National Planning Policy Framework.

8. The window in the proposed west (end) elevation shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing 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 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), windows of this type shall be retained at all times.
Reason: To ensure that neighbouring residential properties do not suffer loss of amenity arising from loss of privacy and to accord with the aims of Policy BE12 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

9. Before any new apartment is first brought into use, all areas indicated to be used for the parking and turning of vehicles on the listed plans shall have been laid out with a hardened and drained surface, and individual parking spaces marked out. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: In the interests of traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Unitary Development Plan Policy T10 and T19, and Policies PLP21 and 22 of the Publication Draft Local Plan.

10. Before any new apartment is first brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of facilities for the storage and collection of wastes associated with the development. The approved facilities shall be provided before either of the new apartments is first occupied or brought into use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these facilities shall be so retained and kept free of obstructions to their use for the storage and collection of wastes.
Reason: In the interests of highway safety and visual amenity, in accordance with the aims of BE1 and T10 of the Kirklees Unitary Development Plan and PLP21 and 24 of the Publication Draft Local Plan.

11. Before any new apartment is first brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of secure cycle storage facilities associated with the development. The approved facilities shall be provided before either of the new apartments is first occupied or brought into use and thereafter retained.
Reason: To encourage the use of low-impact methods of travel in accordance with the aims of the chapter 10 of the National Planning Policy Framework, Policy T19 of the Kirklees Unitary Development Plan, and PLP20 of the Publication Draft Local Plan.

12. Before work commences on any part of the development above ground floor level, a report specifying the measures to be taken to protect the occupiers of the proposed apartments from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:
(i) Determine the existing noise climate;
(ii) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development;
(iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).
All works specified in the approved report shall have been carried out in full before either apartment is first occupied and such works shall be thereafter retained.
Reason: To ensure that future residents have adequate protection from traffic noise and a satisfactory means of ventilation in the interests of residential amenity, and to accord with the aims of Policy EP4 of the Unitary Development Plan, PLP52 of the Publication Draft Local Plan, and the Core Planning Principles and Chapter 11 of the National Planning Policy Framework.

NOTE: – DISPLAY OF ADVERTISEMENTS
The granting of planning permission does not grant consent for the display of any advertisements or signs on the proposed building, notwithstanding that these may be shown on the approved plans, nor does it imply that it will be granted in the event of an application being made. It is the developer's responsibility to ensure that where express consent is required under the Planning (Control of Advertisements) Regulations, such consent is obtained before any signage is installed or displayed on or at the premises.

NOTE: – CONSTRUCTION NOISE
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.

NOTE: – BATS
There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			14-Jul-2017
Heritage statement			14-Jul-2017
Floorplans as existing and proposed, location plan and site plan	655-01	F	22-Feb-2018
Elevations as existing and as proposed, section as proposed	655-02	F	28-Feb-2018
Contextual elevations	655-03	G	28-Feb-2018

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 that the development conserved and enhanced the character of the Milnsbridge Conservation Area and to ensure that adequate parking and turning space would be provided in the interests of highway safety.

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: 06-Mar-2018

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 2017/62/90965/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
