Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92204/W

To: David Storrie,
Enzygo Ltd / 1618 Architects
Samuel House
5, Fox Valley Way
Sheffield
S36 2AA

For: SKA

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 EXTENSIONS AND ALTERATIONS TO FORM 48 BEDROOM STUDENT FLATS AND 3 APARTMENTS WITH ANCILLARY FACILITIES

At: THE ALTERATION SHOP, 15, DUNDAS STREET, HUDDERSFIELD, HD1 2HE

In accordance with the plan(s) and applications submitted to the Council on 27-Jun-2017, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
Reasons: So as to ensure the satisfactory appearance of the development on completion.

3. Prior to the development commencing a sample of the cladding materials to be used in the new roof construction, and the new railings, shall be submitted to and approved in writing by the Local Planning Authority
Reason: In the interests of visual amenity, and to accord with Polices BE1 and BE2 of the Kirklees Unitary Development Plan.

4. Prior to any work commencing details of the replacement windows shall be submitted for the written approval of the Local Planning Authority. These details shall include the profile of the windows and the extent of the reveals. The details as agreed shall be implemented and maintained for the lifetime of the development
Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

5. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified I the Noise Report date 30/5/17 produced by Philip Dunbavin Acoustic Consultants:

- Shall be completed; and
- Written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to an approved in writing y the Local Planning authority.

If it cannot be demonstrated that the noise levels specified in the afore mentioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be complete and written evidence provided to confirm the appropriate noise levels have been achieved before the development is first brought into use.
Reason: To protect the residential amenities of the future occupiers in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

6. Before development commences, a ventilation scheme to show how habitable rooms shall be ventilate without the need to open windows shall be submitted to and approved I writing by the local planning authority
Reason: To protect the residential amenities of future occupiers in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

7. This Development when occupied shall operate in accordance with the approved Travel Plan 1322, and within 3 months of the development being brought into use, evidence of its implementation(as detailed in part 9 of the Travel Plan) shall be provided for the written approval of the local planning authority.
Reason: To accord with the guidance contained in part 4 of the National Planning Policy Framework “Promoting sustainable transport”.

8. Prior to the development being brought into use, a scheme detailing the means and frequency of waste disposal provision for this complex shall be submitted for the written approval of the local planning authority. The approved scheme shall be maintained for the lifetime of this development.
Reason: In the interests of both visual and residential amenity, and detailed in parts 7 of the National Planning Policy Framework "Requiring good design”, and part 8 “Promoting heathy communities".

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Pan	445 E-01		3/7/17
Proposed site/ block plan	445 P-10		3/7/17
Precedent Studies	445 P-23		3/7/17
Site Sections	445 P-22		3/7/17
Schedule of Accommodation	445 P-25		
Existing elevations	445 E -06,07,08; and 09		3/7/17
Proposed elevations	445 P-18,19,20; and 21		3/7/17
Existing floor plans	445 E-02;03;04;05; and 06		3/7/17
Proposed floor plans	445 P11;12A;23;14; 15; and 16		3/7/17
Proposed roof plan	445- P-17		3/7/17
Design and Access Statement			3/7/17
Bat Survey	SHF 1304.002.ECR.001		3/7/17
Travel Plan	1322		3/7/17
Noise Assessment	CL/9877/2468/01		3/7/17

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

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 an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
https**://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries**

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com **or a similar service provider.**

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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: 09-Oct-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 2017/62/92204/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
