Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/94092/W

To: Andrew Coldwell,
Heppenstall Architects
Allisons Buildings
135, Armitage Road
Milnsbridge
Huddersfield
HD3 4JY

For: MARK BROOKE, JOHN BROOKE & SONS LTD

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:-

FORMATION OF CAR PARK EXTENSION (24 SPACES) AND ERECTION OF NEW FOOTBRIDGE (WITHIN A CONSERVATION AREA)

At: BROOKES MILL, ARMITAGE ROAD, ARMITAGE BRIDGE, HUDDERSFIELD, HD4 7NR

In accordance with the plan(s) and applications submitted to the Council on 29-Nov-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 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, and to accord with Policies BE1, BE2, BE5 D2 and T10 of the Kirklees Unitary Development Plan, Policies PLP1, PLP24, PLP33, PLP35, PLP48, PLP51 and PLP53 of the Kirklees Publication Draft Local Plan and guidance contained within Chapters 7, 10, 11 and 12 of the National Planning Policy Framework.

3. The car park hereby approved shall not be brought into use until all areas indicated to be used for parking on the approved block plan 4295-01-02 have been marked out and laid out with a hardened and drained surface 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 any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for access and parking thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to avoid obstruction of the public right of way and to mitigate flood risk and to accord with Kirklees Unitary Development Plan Policies T10 and T19 Policies PLP28 of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework.

4. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference JCA 13940-B/AJB, hereby approved. These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan, Policy PLP33 of the Kirklees Publication Draft Local Plan and guidance contained within Chapter 11 of the National Planning Policy Framework.

5. A minimum of two electric vehicle recharging points shall be made available within the hereby approved car park before it is first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: To accord with the guidance contained in PLP51 of the Kirklees Publication Draft Local Plan, Chapters 4 and 11 of the National Planning Policy Framework and guidance contained within the West Yorkshire Low Emissions Strategy.

6. 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 relating to the hereby approved car park (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. 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 approved in writing by the Local Planning Authority, the car park area shall not be brought into use until such time as the car parking area hereby approved 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan, Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

7. Prior to the car park extension first being brought into use a scheme detailing soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on the site, together with a schedule of landscape maintenance, shall be submitted to and approved in writing by the Local Planning Authority . The scheme shall the following:

- 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 then be undertaken in accordance with the approved scheme. 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 unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure that there is a well laid out scheme of landscape in the interests of visual and residential amenity and the significance of designated heritage assets and to accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Policies PLP1, PLP35 and PLP24 of the Kirklees Publication Draft Local Plan.

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

Note regarding nesting birds:
Vegetation and tree clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

Note regarding waterways:
Any construction within the boundary of the identified watercourse will need to ensure that no risk is posed to the integrity and banks of the watercourse. Failure to do so could risk collapse of the identified watercourse and result in a breach of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Planning Application: General Arrangement Drawing	4295-03-01B	-	14th February 2018
Arboricultural Report	13940/AJB	-	14th February 2018
Arboricultural Method Statement	13940-B/AJB	-	14th February 2018
Arboricultural Impact Assessment	13940-A/AJB	-	14th February 2018
Block Plan	4295-01-02	-	30th November 2017
Location Plan	4295-01-01	-	30th November 2017
Heritage Statement	November 2017	-	30th November 2017
Planning Statement	November 2017	-	30th November 2017
Planning Application: Site as Existing	4295-03-02	-	30th November 2017

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 application proposed the felling of a protected tree to accommodate development. As this was not identified in the original submission, or an arboricultural impact assessment or an arboricultural method statement submitted in support of the application, this was requested to allow for a full assessment of the proposal. In addition to the above, correspondence was held between the agent and planning officer to clarify the length of the proposed pedestrian foot bridge. Once this additional information had been received the application was assessed and determined.

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: 24-Apr-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 2017/62/94092/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
