Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/92529/W

To: Michael Chow,
Jade3 Architecture
Studio 12
Silver Street
Wakefield
WF1 1UY

For: A RASOOL

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:-

CHANGE OF USE OF VACANT DWELLING TO FORM 3 RESIDENTIAL APARTMENTS (C3) ON FIRST AND ATTIC FLOORS AND DORMER WINDOW TO REAR (WITHIN A CONSERVATION AREA)

At: CHIC HAIR STUDIO, 33, BLACKER ROAD, BIRKBY, HUDDERSFIELD, HD1 5HU

In accordance with the plan(s) and applications submitted to the Council on 28-Jun-2021, 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 and in the interests of highway safety in accordance with Policies LP1, LP2, LP20, LP21, LP24, LP30, LP35 and LP52 of the Kirklees Local Plan, principles 12, 16, 17, 18 and 19 of the House Builders Supplementary Planning Document and the policies contained within Chapters 2, 11, 12, 15 and 16 of the National Planning Policy Framework.

3. The face and checks of the rear dormer hereby approved shall be externally finished in vertically hung tiles which shall in all respects match those used in the construction of the existing roof covering or dark grey cladding. The dormer shall thereafter be retained with this finish.
Reason: In the interests of visual amenity and heritage, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the policies contained within chapter 12 and 16 of the National Planning Policy Framework.

4. Before first occupation, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the following sound levels have been achieved in apartments 1, 2 and 3 hereby approved:
a) The 16-hour LAeq shall not exceed 35dB between 0700 and 2300 hours when measured inside any noise sensitive rooms in the development.
b) The 8-hour LAeq shall not exceed 30dB between 2300 and 0700 hours when measured inside any bedroom in the development.
c) The 15-minute LAF1 shall not exceed 45 dB between 2300 and 0700hrs when measured inside any bedroom in the development.
If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further approved measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The measures to achieve the sound levels detailed within this condition shall be thereafter retained for the lifetime of the development.
Reason: In the interests of the protection of residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

5. Before the development is brought into use the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party floor/ceiling and walls of the development is of a minimum of 55 dB Dntw + Ctr. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The measures to achieve the sound levels detailed within this condition shall be thereafter retained for the lifetime of the development.
Reason: In the interests of the protection of residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. Before the development is first brought into use, a scheme detailing odour mitigation measures which includes non-opening windows and mechanical ventilation, shall be submitted to and approved in writing by the Local Planning Authority. The odour mitigation measures shall be completed before the first occupation and shall thereafter be retained.
Reason: To ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The type and number of bins required should be in accordance with guidance supplied by the Kirklees Cleansing Department in the document "Waste Storage and Collection Guidance for New Developments" which is available at https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx).

NOTE: Noisy construction related activities shall not take place outside the hours of: • 07.30 to 18.30 hours Mondays to Fridays • 08.00 to 13.00hours , Saturdays • With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, a bat roost may 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
Location plan	100	-	28th June 2021
Existing ground floor plan	101	-	28th June 2021
Existing first floor plan	102	-	28th June 2021
Existing attic floor plan	103	-	28th June 2021
Proposed ground floor plan	104	-	28th June 2021
Proposed first floor plan	105	-	28th June 2021
Proposed attic floor plan	106	-	28th June 2021
Existing site section	107	-	28th June 2021
Proposed site section	108	-	28th June 2021
Existing front elevation	109	-	28th June 2021
Existing rear elevation	110	-	28th June 2021
Proposed rear elevation	111	-	28th June 2021
Proposed front elevation	112	-	28th June 2021
Design and access statement	Dated 15th June 2021	-	28th June 2021
Heritage statement	Dated 15th June 2021	-	28th June 2021
Bin storage	113	-	28th June 2021
Odour report	Dated 11th August 2021	-	13th August 2021
Noise report	23201.NIA.01.Rev A	-	1st September 2021

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 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. In this instance, Officers have requested additional information in the formation of a noise and odour report, which were received on the 13th August and the 1st September 2021. Discussions were also held regarding the applicants right of access to the rear yard.

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: 13-Jan-2022

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 planning applications and decisions' and by searching for application number 2021/62/92529/W.

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: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
