Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/94455/W

To: Philip Fletcher
302, New Road
Staincross
Barnsley
S75 6GP

For: KHAN, ARMITAGE ARMS DEVELOPMENTS

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:-

ALTERATIONS AND EXTENSIONS TO FORMER PUBLIC HOUSE TO FORM 2 NO. SINGLE-BEDROOM FLATS AND 2 NO. 2-BEDROOM FLATS (WITHIN A CONSERVATION AREA)

At: ARMITAGE ARMS, BAY HALL COMMON ROAD, BIRKBY, HUDDERSFIELD, HD1 5EP

In accordance with the plan(s) and applications submitted to the Council on 18-Jan-2022, 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, preserve the significance of the Birkby Conservation Area, in the interests of highway safety and to accord with Policies LP21, LP24, LP35 of Kirklees Local Plan and Policies within the National Planning Policy Framework.

3. The construction of the exterior of the south-eastern wall of the proposed development shall be undertaken using stone recovered from the existing building or the site boundary wall. A sample of any new stone required for the development shall be left on site for the inspection of approval in writing by the Local Planning Authority before work commences on the superstructure of the extension, and the development shall be undertaken using the approved material.
Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character and appearance of the Birkby Conservation Area and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area 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. Part of the site shall be brought into use until such time as the 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 pollutants are not released into the environment and to ensure that the health of future residents is not adversely affected by contamination, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Before development work (other than demolition) commences a report specifying the measures to be taken to protect the development from noise from nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall: -
a) Determine the existing noise climate
b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).
No dwelling shall be occupied until all works specified in the approved report applying to that dwelling have been carried out in full, and such works shall be thereafter retained.
Reason: To ensure that future occupants do not suffer loss of amenity by reason of noise disturbance and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan. This information is required before development commences so as to ensure that suitable noise-attenuation measures, where appropriate, can be incorporated into the scheme.

6. Prior to either of the ground-floor flats being occupied or brought into use, the new access to the public highway shown on the approved plan 2121/02 Revision H shall be formed, and the areas to be used for the parking and manoeuvring of vehicles as indicated on the plan shall be surfaced and drained 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 superseded. These shall thereafter be retained and kept clear of all obstructions to their use for the parking and turning of vehicles.
Reason: To ensure that adequate vehicle parking with a suitable layout is incorporated into the development in the interests of highway safety, to mitigate flood risk and to accord with the aims of Policies LP21-22 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

7. The areas to be used for the storage and collection of wastes as shown on the approved plan 2121/02 Revision H shall be provided and laid out with a hardened and drained surface before any part of the development is first occupied or brought into use. Notwithstanding the details on the approved plan, the area annotated as "Alternative bin store" shall be used solely for the presentation of wastes on collection days and at other times shall be kept free of obstructions to pedestrian access. These shall thereafter be retained as such and kept free of all obstructions to their use for the storage and collection of wastes.
Reason: To ensure that future residents have suitable facilities for the separation, storage and collection of wastes, in the interests of highway safety, and to accord with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan.

8. Before any part of the development is occupied or brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of secure, lockable cycle storage to be provided within the site. The facilities so approved shall be provided and made available for use before any part of the development is occupied and shall thereafter be retained, available for use by the occupants.
Reason: To ensure that residents have adequate protection against cycle theft, to promote active leisure and the use of low-impact means of transport, and to accord with the aims of Policies LP20 and LP24(e) of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

9. Before any part of the development is occupied or brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of a scheme of closed-circuit television (CCTV) to be installed within the site, in particular to survey the rear (south-western) elevation of the premises and associated land. The CCTV scheme so approved shall be provided and made operational before any part of the development is occupied and shall thereafter be retained, available for use by the occupants.
Reason: To ensure that future residents have adequate protection against crime and fear of crime and to accord with the aims of Policy LP21(g) and LP24(e) of the of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noiseconsultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: Please note that notwithstanding the granting of planning permission, the consent of the Council acting as highway authority will be required to form the necessary footway crossing.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			29-Nov-2021
Location plan			14-Dec-2021
Plans and elevations as existing	2121/01	A	18-Jan-2022
Plans and elevations as proposed	2121/02	H	12-Jun-2023

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. The case officer undertook negotiations with the applicant to secure amended plans reducing the overall scale of the development and providing parking, refuse and cycle storage areas. Formal agreement was also obtained for the inclusion of 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

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.**

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/appeal-planning-decision. 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: **15-Jun-2023**

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 2021/62/94455/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL