Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/92841/E

To: Philip Bakes
P N Bakes Architectural Consultancy
23, Market Street
Thornton
Bradford
BD13 3HW

For: M YOUSAF

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 EXTENSION TO EXTEND SHOP UNITS AND FORMATION OF 12 APARTMENTS (WITHIN A CONSERVATION AREA)

At: 23, NORTHGATE, DEWSBURY, WF13 1DS

In accordance with the plan(s) and applications submitted to the Council on 05-Oct-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, and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan.

3. Prior to commencement of development on the superstructure of the extension hereby approved, all external material samples shall be submitted to and approved in writing by the Local Planning Authority, including roof slates, coursed natural sandstone for the north and west elevations, and brick sample for the south elevation. A sample panel of stonework and $1m^2$ sample panel of brickwork shall be prepared on site for inspection to show the proposed masonry, coursing and pointing. Stonework pointing shall be in a mortar colour to match the stone and shall be flush pointed. Strap pointing will not be permitted. The development shall be carried out in accordance with the approved details and therefore retained.
Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to commencement of development on the superstructure of the extension hereby approved, window details shall be submitted to and approved in writing by the Local Planning Authority comprising 1:20 elevations and 1:5 sections, including depth of reveals, frame dimensions, profiles and colour, opening configuration, dimensions of stone heads and cills. Jambs shall be finished in fair faced stone and no cut marks (angle grinder, etc) shall be visible on the exposed faces. The development shall be carried out in accordance with the approved details and thereafter retained.
Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

5. Prior to commencement of development on the superstructure of the extension hereby approved, shop front details shall be submitted to and approved in writing by the Local Planning Authority comprising 1:20 elevations and 1:5 sections. Submitted details shall include stall riser, pilaster, fascia, console bracket and door details. Window proportions and detailing to be consistent along the elevation. If shutters are required, these shall be internal shutters with internal shutter boxes. The development shall be carried out in accordance with the approved details and thereafter retained.
Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

6. Prior to commencement of development on the superstructure of the extension hereby approved, details of all boundary treatments shall be submitted for approval, including materials, finish and depth of copings. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

7. Prior to commencement of development on the superstructure of the extension hereby approved, details of the proposed (including materials) of the external bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the approved extension, and thereafter retained.
Reason: In the interests of visual amenity, to preserve and enhance the setting of the adjacent listed building, and in the interests of highway safety in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

8. Before completion of enabling works a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and noise from surrounding 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 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).
The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: To protect the amenity of occupants of the residential units, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework.

9. 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 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.
Reason: To protect the amenity of occupants of the residential units, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework.

10. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. In the event that contamination, or the presence of coal 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

12. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times, in accordance with Policy LP28 of the Kirklees Local Plan.

13. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
Reason: In the interest of satisfactory and sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan.

14. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed , the information shall include , but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan.

15. Prior to commencement of development on the superstructure of the extension hereby approved, details of biodiversity enhancement measures in the form of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation of the development and thereafter retained.
Reason: In the interests of biodiversity mitigation and enhancement, in accordance with Policy LP30 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

16.Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new building retaining walls adjacent to the existing highway on Branch Road shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: To ensure public safety when using the adjacent Branch Road and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that an adequate technical specification for the retaining walls can be incorporated within the development at the appropriate time.

17. Prior to the development being brought into use the proposed car park hereby approved shall be laid out, surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

18. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 1.8m wide footway to Branch Road along the northern boundary of the application site including construction specification, surfacing, drainage, edging and kerbing and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained.
Reason: In the interests of highway and pedestrian safety and to achieve a satisfactory layout. This information is required 'pre-commencement' so as to ensure that the details are assessed at an appropriate stage, in accordance with Policy LP21 of the Kirklees Local Plan.

19. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.
Reason: This pre-commencement condition is in the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

NOTE All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance: • Land Contamination Risk Management (LCRM) • BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

NOTE 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: The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan and Site Layout Plan	KL/21/1467/01	B	05.10.2022
Existing Block Plan	KL/21/1467/02		05.10.2022
Existing Floor Plans and Elevations	KL/21/1467/09		05.10.2022
Ground and First Floor Plans Phase I as approved	KL/15/1102/02	A	05.10.2022
Second Floor Plan Phase I as approved	KL/15/1102/03	A	05.10.2022
Existing Elevations Phase I as approved	KL/15/1102/04	B	05.10.2022
Proposed Elevations	KL/21/1467/08	C	05.10.2022
Proposed Ground Floor Plan	KL/21/1467/04	B	05.10.2022
Proposed Ground/Lower Ground Floor Plan	KL/21/1467/03	A	05.10.2022
Proposed First Floor Plan	KL/21/1467/05	C	15.08.2023
Proposed Second Floor Plan	KL/21/1467/06	C	15.08.2023
Proposed Third Floor Plan	KL/21/1467/07	C	15.08.2023
Design and Access Statement			05.10.2022
Heritage Statement			05.10.2022

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.

Through the course of the application, further details were requested for the purposes of clarification relating to the use of 'Unit 3' and the status of the bat survey stated to have been undertaken in relation to the site. In addition to this, amended floor plans were received to accord with the Technical Space Standards.

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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: 05-Dec-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 2022/62/92841/E.

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
