Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90792/W

To: **Michael Parham,**
Broadgrove Planning and Development Ltd
Regent House
Heaton Lane
Stockport SK4 1BS

For: SAN PEDRO PROPERTIES 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:-

ERECTION OF TWO-STOREY WORKSHOP (CLASS E (G)) AND ASSOCIATED WORKS

At: LAND ADJACENT TO, 6, SANDS TERRACE, LEEDS ROAD, HUDDERSFIELD, HD2 1YX

In accordance with the plan(s) and applications submitted to the Council on 27-Apr-2023, 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, 7, 8, 21, 22, 24, 27, 28 and 52 of the Kirklees Local Plan.

3. Before any part of the development is first brought into use, all areas indicated to be used for the parking and turning of vehicles, and for the storage of wastes, on the site plan as proposed shall have been formed and laid out with a hardened and drained surface. Any new hardstanding shall be 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, unless arrangements are made to discharge the run-off water to a soakaway sustainable drainage system. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking and turning of vehicles.
Reason: To ensure adequate space within the site for parking in the interests of amenity and traffic safety, to minimise contribution to flood risk arising from water run-off from the site, and to accord with the aims of Policies LP21-22 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

4. Samples of all facing and roofing materials, including the external finish colour for the roofing sheets, shall be placed on site for the inspection of, and shall be approved in writing by, the Local Planning Authority, before work commences above foundation level, and the development shall thereafter be implemented using the approved materials.
Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The combined noise from the future use of the site (including any industrial or manufacturing process, any fixed mechanical and electrical plant and equipment, any loading and unloading of goods and materials and from any vehicles or mobile plant) 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, to comply with the aims and objectives of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 0800 to 1800 hours Monday to Friday and 0900 to 1600 hours Saturdays, with no activities Sundays and Bank Holidays.
Reason: To ensure that the proposed uses does not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. A minimum of one electric vehicle recharging point shall be installed within the designated parking area as shown on the plan before any part of the development 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 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low carbon emissions.

8. Before the development is first brought into use, either a single artificial bat roost feature or an artificial bird nesting feature, made of Woodcrete or a similar durable weatherproof material, shall be installed at eaves level on the north-eastern or north-western elevation of the building and not directly above a door or window, and shall thereafter be retained.
Reason: To ensure that the development delivers an appropriate amount of biodiversity net gain in accordance with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings shall be constructed in the external south-eastern side wall of the development hereby approved at any time.
Reason: So as not to detract from the amenities of adjoining residential properties by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan.

10. 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 Verification 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 Verification 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. 183 and 184 of the National Planning Policy Framework.

11. The premises shall be used as a workshop (Class E(g)(iii)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) , or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The site is severely restricted in size with limited car parking and servicing arrangements. It is accessed from a road which is also a public byway and is sited close to residential property. Uses other than a warehouse could have adverse implications on residential amenity and highway safety which would be contrary to Policies LP21, LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

Public Right of Way:
Public byway Hudd 43 is the access to and is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The recorded width of the byway is 3m. The Council's public rights of way unit may be contacted by telephone 01484 221000 or by email: publicrightsofway@kirklees.gov.uk

Construction Site Working Times – Footnote
It is recommended that noisy construction related activities should 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

Construction Sites working times – Footnote
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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			13-Mar-2023
Design and access statement			13-Mar-2023
Flood risk assessment			27-Apr-2023
Flood map			13-Mar-2023
Additional planning statement			19-Sep-2023
Climate change statement			27-Apr-2023
Location plan	23001(2-)001		13-Mar-2023
Plans, elevations and general layout as proposed	23001(2-)003	B	19-Sep-2023
Servicing plan	Paragon Highways		19-Sep-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 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 requested further details of parking and servicing arrangements, which were submitted and informed the decision.

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: **07-Nov-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 2023/62/90792/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
