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

PLANNING PERMISSION FOR DEVELOPMENT

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2023/70/91891/W

To: Pete Gleave
Zerum Consulting Ltd
3rd Floor, 36-38, The Calls
Leeds
LS2 7EW

For: Hudd Student Living 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:-

REMOVAL CONDITIONS 7 (PARKING MANAGEMENT), 16 (EVC) ON PREVIOUS PERMISSION 2016/91026 FOR ERECTION OF 168 STUDENT STUDIOS WITH COMMUNAL AREAS

At: LAND OFF MANCHESTER ROAD, HUDDERSFIELD

In accordance with the plan(s) and applications submitted to the Council on 23-Jun-2023 [together with those plans and application(s) submitted to the Council on 05-May-2016 and incorporated into planning permission 2016/91026 granted on 27-Jan-2017] and subject to the condition(s) specified hereunder:-

1.[condition deleted].

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: So as to ensure the satisfactory appearance of the development on completion.

3. The development shall be carried out in complete accordance with the details approved pursuant to condition 3 on 10/10/2017 under application ref: 2017/90945 in relation to the off site highway works, before the development is first brought into use.
Reason: In the interests of the free and safe use of the highway, and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The development shall not be brought into use until visibility splays (2.4m x 43m) in which there shall be no obstruction to visibility above the level of the adjacent footway, as indicated on the approved plan (Drawing No. 0587-F03 Dated May 14) have been completed. Thereafter, visibility splays shall be retained throughout the lifetime of the development.
Reason: In the interests of the free and safe use of the highway, and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The development shall be carried out in complete accordance with the details approved pursuant to condition 5 on 10/10/2017 under application ref: 2017/90945 in relation to the temporary and permanent retaining walls within or adjacent to the site. The approved retaining walls shall be maintained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the free and safe use of the highway, and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. The development shall be carried out in complete accordance with the details approved pursuant to condition 6 on 17/07/2023 under application ref: 2023/91601 in relation to cycle parking. The approved cycle parking shall thereafter be retained for the lifetime of the development.
Reason: To accord with the guidance contained within Chapter 9 of the National Planning Policy Framework" Promoting sustainable transport".

7. [condition deleted].

8. The accommodation hereby permitted shall be occupied by students only, defined as persons whose main residence is elsewhere and who are enrolled on recognised full-time courses at one of the higher educational establishments in the borough of Kirklees only and for no other purpose (including any other purpose in Class C3 and C4 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: In the interests of the free and safe use of the highway, and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. The development shall be carried out in complete accordance with the details approved pursuant to condition 9 on 10/10/2017 under application ref: 2017/90945 in relation to ventilation. All works which form part of the approved scheme shall be completed prior to occupation of the building.
Reason: To protect the amenity of future residents in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. The development shall be carried out in complete accordance with the details approved pursuant to condition 10 on 10/10/2017 under application ref: 2017/90945 in relation to odours.
Reason: To protect the amenities of future residents in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

11. The development shall be carried out in complete accordance with the details approved pursuant to condition 11 on 10/10/2017 under application ref: 2017/90945 in relation to land contamination (Phase I).
Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

12. The development shall be carried out in complete accordance with the details approved pursuant to condition 12 on 10/10/2017 under application ref: 2017/90945 in relation to land contamination (Phase II).
Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

13. The development shall be carried out in complete accordance with the details approved pursuant to condition 13 on 10/10/2017 under application ref: 2017/90945 in relation to remediation.
Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

16. [condition deleted].

17. The development shall be carried out in complete accordance with the materials schedule approved under application ref: 2022/91861. The building shall thereafter be retained in this material.
Reason: In the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

18. The development shall be completed in accordance with the recommendations of the Ecological Scoping Survey (ref: Issued 7/2/14), unless otherwise agreed in writing by the Local Planning Authority.
Reason: To accord with the guidance contained in Chapter 15 of the National Planning Policy Framework.

19. Notwithstanding the submitted information, all sparrow terraces shall be located on north facing walls, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To accord with the guidance contained in Chapter 15 of the National Planning Policy Framework.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: To ensure the satisfactory drainage of the site, in accordance with the guidance contained in Chapter 14 of the National Planning Policy Framework.

21. The development shall be carried out in complete accordance with the details approved pursuant to condition 21 10/10/2017 under application ref: 2017/90945 in relation to surface water.
Reason: To ensure the satisfactory drainage of the site, in accordance with the guidance contained in Chapter 14 of the National Planning Policy Framework.

22. Notwithstanding the submitted information, the development shall be constructed in complete accordance with ‘Secured by Design’ specifications, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

23. Notwithstanding the submitted information, the elements of the development shown on Drawing No. 300 (Proposed materials) to be constructed from “Reconstituted stone by forticrete” shall be constructed from natural stone.
Reason: In the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RAVB Consultants, dated 29/04/2014 Ref 796NE and the following mitigation measures detailed within the FRA: a) Finished floor levels of habitable rooms are set no lower than 76.67m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
Reason: To ensure the satisfactory drainage of the site, in accordance with the guidance contained in Chapter 14 of the National Planning Policy Framework.

25. The development shall be carried out in complete accordance with the details approved pursuant to condition 25 on 17/05/2023 under application ref: 2023/91601 in relation to external lighting and shall thereafter be retained.
Reason: To protect the amenities of future residents in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

26. The development shall be carried out in complete accordance with the details approved pursuant to condition 26 on 10/10/2017 under application ref: 2017/90945 in relation to foul, surface water and land drainage before the student accommodation is first brought into use and shall be retained throughout the lifetime of the development.
Reason: To ensure the satisfactory drainage of the site, in accordance with the guidance contained in Chapter 14 of the National Planning Policy Framework.

27. The development shall be carried out in complete accordance with the details approved pursuant to condition 27 on 10/10/2017 under application ref: 2017/90945 in relation to the piping of the ordinary watercourse within the site. The maintenance and management regimes for the piped watercourse shall be implemented for the lifetime of the development.
Reason: To ensure the satisfactory drainage of the site, in accordance with the guidance contained in Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Covering letter	By Zerum (dated 22/06/2023)	-	23/06/2023
Copy of discharge of condition letter (condition 7)	Dated 07/06/2023	-	23/06/2023
Copy of discharge of condition letter (condition 7)	Dated 30/08/2017	-	23/06/2023
Various drawings and documents submitted pursuant to conditions 6 and 25 of planning permission ref 2016/91026 and approved on 17/07/2023 under application ref: 2023/91601	See decision notice dated 17/07/2023	-	Various

Plan Type	Reference	Version	Date Received
Various drawings and documents submitted under Non-Material Amendment to previous permission 2016/91026. Approved on 21/03/2023 under application ref: 2022/94061	See decision notice dated 21/03/2023	-	Various
Various drawings and documents submitted under Certificate of Lawfulness, approved on 02/08/2022 under application ref: 2022/91861	See decision notice dated 02/08/2022	-	Various
Various drawings and documents submitted pursuant to conditions 3, 5, 7, 9-14, 16, 17, 21, 26, 27 of planning permission ref: 2016/91026 and approved on 30/08/2017 and 10/10/2017 under application ref: 2017/90945	See decision notices dated 30/08/2017 and 10/10/2017	-	Various
Original planning permission: 2016/91026			
Design and Access Statement	-	-	05/05/2016
Transport Assessment	0587	-	05/05/2016
Stage 2 Audit Report	-	-	05/05/2016
Flood Risk Assessment	RAB.796 NE	-	05/05/2016
Noise Assessment	6185	-	05/05/2016
Lighting Assessment	86419	-	05/05/2016
Air Quality Survey	33184r1	-	05/05/2016
Bat Survey	-	-	05/05/2016
Ecological / Bio diversity Surveys	Appendices ii-iv, including • Annual shadow; • Bats and lighting	-	05/05/2016
Location Plan	1283-LP	-	05/05/2016
Proposed site/block layout	283-120	-	05/05/2016
Proposed floor plans	1283-101; 102; 103; 104	-	05/05/2016
Access arrangements	868 D001	C	05/05/2016
Section 38 Construction materials	868 D002	C	05/05/2016
Large refuse vehicle swept path analysis	587-05	B	05/05/2016
Indicative long section	587-F02	-	05/05/2016
Proposed ghost island and right turn junction arrangement	587-F03	-	05/05/2016

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, no negotiations or amendments have been sought as part of this application process.

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 Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

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 refuse permission for the proposed development or 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: 28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.**
- **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: 30-Apr-2024

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 and view existing planning applications and decisions' and by searching for application number 2023/70/91891/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
