



Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3

Application Number: 2023/48/92381/W

To: Victoria Jane Saunders,
Bernard Taylor Partnership Ltd
Elizabeth House
486, Didsbury Road
Heaton Mersey
Stockport
SK4 3BS

For: Helen Martland, Kirklees Council, Neighbourhood Housing

Description and location of development:

ALTERATIONS TO CONVERT EXISTING SHOPS WITH FLATS ABOVE TO 4 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING WORKS TO THE FRONT

At: 1 - 7 BROWNING ROAD, DEIGHTON, HUDDERSFIELD, HD2 1HU

Date of submission: 17-Aug-2023

In pursuance of its powers under the above mentioned Act and Regulations KIRKLEES COUNCIL (hereinafter called "The Council") hereby grants planning permission for the above development subject to the following condition(s):-

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 LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

3. Prior to occupation of the dwellings hereby approved, the boundary treatments indicated on plan BR-BTP-00-ZZ=DR-A-4143_125 Rev 4 shall be constructed. The boundary treatments shall be retained thereafter.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

4. Prior to occupation of the dwellings hereby approved, the refuse store/collection point indicated on plan BR-BTP-00-ZZ=DR-A-4143_125 Rev 4 shall be constructed. The boundary treatments shall be retained thereafter.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

5. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of permission is encountered during the development, all works 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. Works 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 remedial 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 in complete 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 Chapter 15 of the National Planning Policy Framework.

6. Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material shall be submitted to and approved in writing to the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved 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 until a Verification Report 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 Chapter 15 of the National Planning Policy Framework.

7. In the event that the demolition of the outbuildings is required, all demolition works shall be undertaken under the supervision of an Ecological Clerk of Works.

Reason: To prevent significant ecological harm in respect of direct impacts to potential bat roosts and to accord with policy LP 30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.

8. In the event that trees are to be removed from the site, then prior to their removal full details of both hard and soft landscape works to be undertaken pursuant to the removal of trees shall be submitted to and approved in writing by the Local Planning Authority.

These works shall include:

- Details of materials to be used for all hard surfaced areas including linking paths, vehicle and other circulation areas;
- Planting plans; plant schedules noting species, plant sizes and proposed numbers/densities; and an implementation, management, and maintenance programme for both the hard and soft landscape works;
- and
- A Landscape Management Plan including details of initial aftercare and long-term maintenance for minimum of five years.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within three months of the removal of the trees or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity of the built environment as well as the natural environment in accordance with Policies LP24, LP32 and LP30 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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.

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. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Bat scoping survey and Bat ground level tree assessment by United Environmental Services Ltd dated 24.11.2023	NGR: SE 15729 19131 Ref: UES04239/01	-	01.12.2023
Design and Access Statement	-	-	21.08.2023
Proposed boundary details	BR-BTP-00-ZZ-DR-A-4134_125	4	25.04.2024
Proposed elevations	BR-BTP-01-E-DR-A-4134_113	2	21.08.2023
Existing floor plans	BR-BTP-01-E-DR-A-4134_105	-	21.08.2023
Existing elevations	BR-BTP-01-E-DR-A-4134_107	1	21.08.2023
Location Plan	BR-BTP-01-E-DR-A-4134_100	-	21.08.2023
Proposed floor plans	BR-BTP-01-E-DR-A-4134_112	1	21.08.2023
Existing site plan	BR-BTP-01-E-DR-A-4134_101	-	21.08.2023
Climate change statement	-	-	21.08.2023
Email dated 19.09.2023 from Leanne Beirne, BTP – evidence of marketing of retail units	-	-	19.09.2023

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. Prior to the submission of this planning application, the applicant sought formal pre-application advise. During the course of the application, the applicant submitted a bat scoping survey and amended plans to show boundary treatments and bin store/collection location in order to avoid a pre-commencement condition.

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](#). Alternatively the forms and supporting guidance for submitting an application can be found online at [Kirklees Council Planning Website](#).
- 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 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 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 [the Planning Inspectorates website](http://thePlanningInspectorateswebsite). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](http://thePlanningInspectorateswebsite)
- 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: 14-May-2024

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

[Kirklees Council Planning Website](#)

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
