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: 2023/62/93113/W

To: Josh Harling,
C49 Architecture Ltd
1-4 Spring Row, Denholme
Bradford
BD13 4EA

For: J MALIK, BARKISLAND INVESTMENTS 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:-

CHANGE OF USE AND ALTERATIONS TO FORM STUDENT LIVING ACCOMMODATION WITH ANCILLARY CONCIERGE AND COMMUNAL FACILITIES INCLUDING ROOF EXTENSION AND ROOF TERRACE

At: 30, MARKET STREET, HUDDERSFIELD, HD1 2HG

In accordance with the plan(s) and applications submitted to the Council on 08-Jan-2024, 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. 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: So as to ensure that the development is used solely for student accommodation and not open-market housing whereby affordable housing provision would be sought and different amenity standards would apply, and in the interest of highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

4. Before the development is brought into use a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented before first occupation and retained thereafter.
Reason: For promoting sustainable development and transport and conserving the natural environment in accordance Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Philip Dunbavin Acoustics Ltd dated May 2024 Ref J004669-7414-DH-02 –
a) shall be completed; and
b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have 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 occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

6. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. 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 to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further 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 occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. The development shall be carried out in strict accordance with the hereby approved Construction Environmental Management Plan (CEMP) by Arbtech dated 06/05/2024 for the full period of construction, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

8. The development shall be carried out in accordance with the hereby approved Biodiversity Enhancement and Management Plan (BEMP) by Arbtech dated 27/05/2024, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

9. The development shall not be brought into use until a Servicing and Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing and Car Park Management Plan shall include details of:
i. Liaison member of staff and contact details
ii. Restrictions on apartment occupants parking on site and details of any contracts stating this.
iii. Staff parking arrangements (including types of staff entitled to a space)
iv. Booking system for parking spaces for start/end of term drop-off/pick-up.
v. Mechanism for review of the Car Park Management Plan
vi. Details of the management and maintenance of communal refuse storage by a designated private management company (including a suitable collection location as to not obstruct the adopted highway and to replace the bins back within the appointed storage area after collection).
vii. Mechanisms in place to avoid waste collection and servicing occurring during days proposed for drop-off and pick-up at the start and end of term.
The development shall thereafter be operated and retained in accordance with the approved Car Park Management Plan.
Reason: In the interests of highway safety and residential amenity, to accord with Policies LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Prior to the hereby approved development being first brought into use, a report containing the proposed security and anti-terrorism mitigation measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The identified measures shall be implemented before the building is brought into use and shall thereafter be retained.
Reason: In the interest of crime prevention and anti-terrorism mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan.

11. Prior to their use, notwithstanding the submitted information, full details of all new external facing materials (including their colour) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use and retained thereafter.
Reason: In the interests of the visual amenity and to protect the setting of nearby heritage assets, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

12. Prior to the hereby approved development being first brought into use, one electric vehicle charging point shall be installed and made ready for use within the car parking spaces as shown on plan ref NTL-PL-006. The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.
Reason: In the interest of supporting the use of low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

13. Prior to the development being brought into use, a fire safety strategy for the bin store shall be submitted to and approved in writing by the Local Planning Authority. The fire safety strategy shall include access arrangements for residents and collection services, method of alarm in case of a fire, and fire-resistant construction details. The approved measures shall be implemented before the building is first occupied and retained thereafter.
Reason: In the interest of fire safety, in accordance with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order").

14. Prior to the hereby approved development being brought into use, the bike store provision, as shown on plan ref. "NTL-PL-006" shall be implemented and made ready for use. Thereafter the bike store as approved shall be retained.
Reason: To promote alternative methods low carbon of travel, in accordance with LP21 of the Kirklees Local Plan.

15. The use of the communal facilities, including the student lounge, gymnasium, study space and canteen area, as shown on plan reference "NTL-PL-006 and NTL-PL-005", shall be ancillary to the residential use only and shall not be available for use to any person not residing within the residential use hereby approved.
Reason: In the interest of highway safety, as the impacts of an open use of these facilities have not been demonstrated, and to comply with LP21 of the Kirklees Local Plan.

NOTE: Note: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however, more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The responsibility of securing a safe development rests with the developer and land owner.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:
• 07.30 to 18.30 hours Mondays to Fridays
• 08.00 to 13.00 hours Saturdays with no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.
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**
Location plan	PP-12544273v1	-	08/01/2024
Existing basement and ground floor plan	NTL-PL-001	-	08/01/2024
Existing first to ninth floor plans	NTL-PL-002	-	08/01/2024
Existing elevations	NTL-PL-003	-	08/01/2024
Existing elevations	NTL-PL-004	-	08/01/2024
Proposed basement plan	NTL-PL-005	-	08/01/2024
Proposed ground floor plan	NTL-PL-006	-	08/01/2024
Proposed first to ninth floor plan	NTL-PL-007	-	08/01/2024
Proposed 10th floor plan	NTL-PL-008	-	08/01/2024
Proposed 11th floor plan	NTL-PL-009	-	08/01/2024
Proposed elevations	NTL-PL-010	-	08/01/2024
Proposed elevations	NTL-PL-011	-	08/01/2024
Existing and proposed floor plan	NTL-PL-012	-	08/01/2024
Proposed street view	NTL-PL-014	-	08/01/2024
Design and Access statement	By C49 Architecture LTD	-	08/01/2024
Planning statement	By C49 Architecture LTD	-	08/01/2024
Climate statement	-	-	08/01/2024
Accessibility statement	-	-	08/01/2024
Fire statement	By C49 Architecture LTD	-	08/01/2024
Accommodation schedule	-	-	08/01/2024
Rapid Health Impact Assessment	-	-	08/01/2024
Ecological statement	By C49 Architecture LTD	-	08/01/2024
Heritage assessment	By C49 Architecture LTD	-	08/01/2024
Transport statement	By C49 Architecture LTD	-	08/01/2024
Statement of community involvement	By C49 Architecture LTD	-	08/01/2024
Air Quality assessment	-	-	08/01/2024
Preliminary Ecological Appraisal and Preliminary Roost Assessment	By Arbtech	2.1	07/02/2024

Construction Ecological Management Plan	By Arbtech	1	16/05/2024
Biodiversity Enhancement Management Plan	By Arbtech	1	20/06/2024
Noise Impact Assessment	J004669-7414-DH-02	02	21/06/2024

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, Officers have entered into a number of discussions with the applicant and agent regarding the requirement for additional information. This has been sought throughout the course of the application.

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.

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 an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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.

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: 16-Jul-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:

http://www.kirklees.gov.uk/business/planning/planning.asp

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

dc.admin@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