



**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: 2024/62/91477/W

To: Josh Harling,
C49 Architecture Ltd
1-2, Town Hall Buildings
Elland
HX5 9AJ

For: ZAHID IQBAL, FOLLY HALL RESIDENTIAL 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 EXTENSIONS AND ALTERATIONS TO CONVERT EXISTING
BUILDING INTO 32 STUDENT APARTMENTS AND TWO CLASS E
COMMERCIAL UNITS

At: CHUTNEY MAHAL, FOLLY HALL, HUDDERSFIELD, HD1 3PA

**In accordance with the plan(s) and applications submitted to the Council on
07-Jun-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 Policies LP1, LP2, LP20, LP21, LP22, LP24, LP27, LP30 and LP52 of the Kirklees Local Plan.

3. Samples of external materials (including finish colours) shall be submitted to or left on site for the inspection of, and approval in writing by, the Local Planning Authority, before development commences and the development shall be implemented using the approved materials.

Reason: To ensure that the proposed development contributes to the aim of good urban design and the quality of the townscape, and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure materials are agreed at an appropriate stage of development.

4. All residential accommodation 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: To restrict vehicle ownership and therefore prevent it giving rise to highway safety problems arising from unsafe or inappropriate parking, and since the proposed flats, owing to their size, would provide a level of amenity falling below that which would be deemed acceptable for long-term occupants, and to accord with the aims of Policies LP21 and LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Before any part of the development is brought into use, details of a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented before any part of the development is first brought into use and thereafter retained.

Reason: To ensure that residual flood risk is managed in the interests of the safety of future users of the building, in accordance with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Before any part of the development is first brought into use, details of suitable bin presentation points and access and method for collection of wastes from the premises hereby approved shall be submitted to and approved in writing by the Local Planning Authority in the form of a Waste Management and Servicing Strategy Plan. The area for the storage of refuse containers shown on the approved drawings shall be provided before any part of the development is first brought into use, and the development shall at all times operate in accordance with the

Reason: To ensure that refuse collection can be undertaken without interfering with the safe and convenient use of the public highway and to meet the requirements set out in Policies LP21 and LP24 part d(vi) of the Kirklees Local Plan.

7. No residential accommodation shall be brought into use until a Car Park (drop-off/pick-up) Management Statement has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Statement shall include details of:

- Resident Liaison member of staff and contact details;
- Method(s) of informing residents of public parking locations in relation to the premises for drop-off and pick-up (these details shall be submitted to all residents on being appointed a room in the development but prior to their first arrival);
- Information for guests on sustainable travel options; and
- Mechanism for review of the Car Park Management Plan.

The development shall thereafter be operated in accordance with the approved Car Park Management Statement.

Reason: To ensure that short term parking does not interfere with the safe and convenient use of the highway, in the interests of pedestrian safety, and to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

8. Before any residential accommodation is first brought into use details of suitable cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before any unit is occupied and shall be so retained thereafter.

Reason: To comply with the Council's sustainability objectives by encouraging the use of low-impact means of transport, to promote healthy, safe and active lifestyles, and to accord with Local Plan Policies LP20, LP22(g) and LP47(e).

9. Before development commences, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- The point of access for construction traffic;
- Details of the times of use of the access, the numbers and size of vehicles expected to access the site;
- The routing of construction traffic to and from the site;
- Construction workers' and delivery parking facilities;
- The location of materials storage and site facilities, the use of traffic management or a banksman for large deliveries; and
- The provision, use and retention of adequate wheel washing facilities and the means of removal of mud and debris from the highway/footway.

All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure that construction can be undertaken without interfering with the safe and convenient use of the highway and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

This information is required pre-commencement to ensure that the safety of the highway is protected at all stages of the development process.

10. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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 paragraphs 189 and 190 of the National Planning Policy Framework.

This information is required pre-commencement to guard against the risk of contamination being found during the early stages of the development process.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (10) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework.

This information is required pre-commencement to ensure that contamination, if present, is remedied at an appropriate stage in the development process.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. 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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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 paragraphs 189 and 190 of the National Planning Policy Framework.

14. Before the installation of any plant commences, a further/addendum report specifying the measures to be taken to protect the development from noise from plant that may affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Determine the existing noise climate;
- Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development; and
- 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 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.

15. Before any residential accommodation 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 floors/walls/ceiling of the development is of a minimum of 53dB 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 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.

16. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities (this shall also include suitable restrictions on the hours of working on the site including times of deliveries);
- Dust arising from all construction related activities, which should include measures to monitor the emissions of dust during construction;
- Artificial lighting used in connection with all construction related activities and security of the construction site; and
- A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

The plan thus approved shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

This information is required pre-commencement to ensure that measures to protect the local environment and residential amenity are in place at all times during development.

17. Before any residential unit is occupied, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect the occupants of the building from crime and the fear of crime. Any measures thus approved shall be implemented before any new residential accommodation is first occupied and therefore retained.

Reason: To ensure that future occupants have adequate protection against crime and the fear of crime, in accordance with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

18. Development shall be carried out in full accordance with the Method Statement and Reasonable Avoidance Measures prepared by Dave Anderson Batworker, dated 08/07/2024. One or more artificial bat roost features (providing for a minimum of two bats) shall be placed on site prior to work commencing and shall be installed on the development at a minimum height of 4m above ground level, not directly above a window, before any part of the development is brought into use, and thereafter retained. **Reason:** To ensure that harm to protected species does not occur during the development process and a suitable level of ecological enhancement is delivered, in accordance with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Informatives

NOTE – Construction times

Noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays.

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

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 – Works within the highway

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to 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 – Highway Works

Any construction deliveries to be made from the highway along the frontage of the site may need the correct street works licence and suitable traffic management and this would incur an additional charge. The deliveries should abide by the current TRO regime on loading.

The scaffolding above the footway would need a scaffolding licence and this would incur an additional charge.

In the event that a highway closure is required during the construction period this would need approval and the correct street works licence and possibly rental of the highway lane space. Again, full traffic management to Chapter 8 standards would be required for all arms of the signalised junction.

The street works licences can be obtained from tma.permits@kirklees.gov.uk and we would recommend that the street works team is contacted at the earliest opportunity to arrange the issuing of permits or licences so as not to delay the works.

NOTE – Contaminated land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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 – Conditions (general advice)

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 – Competent Person

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-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			24/05/2024
Location plan			24/05/2024
Floorplans as existing	FLH-PL-001		06/06/2024
Elevations as existing	FLH-PL-002		06/06/2024
Floorplans as proposed	FLH-PL-002	A	13/09/2024
Elevations as proposed	FLH-PL-003	A	13/09/2024
3-D views as proposed	FLH-PL-004	A	13/09/2024
Planning Statement			07/06/2024
Climate Change Statement			07/06/2024
Preliminary coal mining assessment	FWS -4363OR01		07/06/2024
Preliminary bat and ecological assessment	81-859		07/06/2024
Flood Risk Assessment	4363OR 02		07/06/2024
Noise Impact Assessment	BS8233:2014		07/06/2024
Employment Statement			23/08/2024
Transport Statement	C49		13/09/2024
Air Quality Assessment	NALPRO 230424.01	B	13/09/2024
Reasonable avoidance and mitigation measures (bats)			22/22/2024

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 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 clarifications to external appearance and entered into discussions concerning parking and servicing arrangements, which informed the final decision.

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 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.

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: 12-Dec-2024

Signed:



David Shepherd
Executive Director for Place

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