



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/94181/W

To: R Turner,
Farrar Bamforth Associates
51, Trinity Street
Huddersfield
HD1 4DN

For: Horizon Accommodation

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:-

ALTERATIONS TO CONVERT HOTEL (C1) TO 10 STUDENT STUDIOS
(WITHIN A CONSERVATION AREA)

At: 31-37, BEAST MARKET & 1, SOUTHGATE, HUDDERSFIELD, HD1 1QF

**In accordance with the plan(s) and applications submitted to the Council on
20-Dec-2018, 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, to preserve the significance of heritage assets and to accord with Policies LP15, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to first occupation, written evidence shall be submitted to the Local Planning Authority to demonstrate that the following internal sound levels have been achieved

throughout the development including at times when the installed mechanical ventilation is operating at the setting required to control thermal comfort:-

- a) No more than 35dB LAeq,16 hours between 0700 and 2300 hours in any noise sensitive rooms in the development
- b) No more than 30dB LAeq,8 hours between 2300 and 0700 hours inside any bedroom in the development.
- c) No more than 45 dB LAF1,15min between 2300 and 0700hrs inside any bedroom in the development.
- d) No more than NR20 Leq,15 min between 2300 and 0700hrs inside any bedroom in the development.

If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels 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 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 safeguard occupants of the proposed development from the risk of background noise associated with road traffic noise from Southgate and entertainment uses within the vicinity of the site and to accord with Policies LP15 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

4. Prior to first occupation, a ventilation scheme to mitigate against poor air quality and also to provide alternative ventilation to opening windows (because windows need to be kept closed for noise mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall show the following:-

- How the poor air quality in the vicinity of the development will be mitigated against by providing a satisfactory air supply for the inside the development that meets the National Air Quality Objectives
- How all habitable rooms within the development will be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- How the self-generated noise arising from the operation of the ventilation system will meet the indoor sound levels detailed noise related condition above and does not have an adverse impact on the proposed outdoor amenity area.
- The ongoing maintenance regime for the installed ventilation system to ensure that it continues to meet the above mentioned requirements
- The ventilation scheme required for the development (for air quality and noise mitigation) needs to take the proposed outdoor amenity area into consideration and ensure that noise from this ventilation equipment does not have an adverse impact on the newly proposed amenity area.

All works which form part of the approved scheme shall be completed prior to first occupation of the accommodation and retained thereafter.

Reason: To safeguard occupants of the proposed development from the risk of background noise associated with road traffic noise from Southgate and entertainment uses within the vicinity of the site and to accord with Policies LP15, LP51 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

5. Before any alterations to the electrical system are carried out a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To encourage the use of electric vehicles leading to the reduction of greenhouse gas emissions, supporting the Kirklees Local Air Quality Strategy and in accordance with Policies LP15, LP17, LP21, LP24 and LP51 of the Kirklees Local Plan and the National Planning Policy Framework.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either

- (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or
- (b) the local planning authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

7. Prior to first occupation, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of the types of users to be allowed to use the parking on a day to day basis and how this will be monitored and enforced, including the use of permits, and the proposed management of the parking spaces to be used for the drop off and pick up of students and their belongings at the start and end of term/academic year. This approved Car Park Management Plan shall be implemented before the accommodation hereby approved is first brought into use, and shall thereafter be retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout safety in accordance with Policies LP15, LP21, LP22 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

8. Details of refuse and recycling storage to serve the development, together with details of access arrangements to serve the storage facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the development. Thereafter refuse and recycling storage facilities and access arrangements thereto shall be provided in accordance with the approved details prior to occupation and shall be retained as such for the duration of the permitted use.

Reason: In the interest of highway safety and good design in accordance with Policies LP15, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

9. Details of cycle storage to serve the development, together with details of access arrangements to serve the storage facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the development. Thereafter cycle storage facilities and access arrangements thereto shall be provided in accordance with the approved details prior to occupation and shall be retained as such for the duration of the permitted use.

Reason: In the interest of highway safety and good design in accordance with Policies LP15, LP17, LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

10. The accommodation and outdoor amenity space 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, different amenity standards would apply, and in the interest of highway safety, in accordance with Policies LP15 and LP24 of the Kirklees Local Plan and National Planning Policy Framework.

NOTE: In the interest of residential amenity, the implementation of this planning application would result in planning application reference 2018/93513 becoming invalid. As such, a new application would be required for 29 Beast Market to convert storage area to one self catering guest accommodation unit (within a Conservation Area).

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 - 18.30 hours (Mondays to Fridays), 08.00 - 13.00 hours (Saturdays) with no work carried out on Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Electric Vehicle Charge Points –

- 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. Basically, 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.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan with red line boundary	Dated 26/11/2018		21/6/2019
Second Floor Plan – as proposed		A	21/6/2019
First Floor Plan – as proposed		B	21/6/2019
Second Floor Plan – as existing	13/C10/06		30/4/2019
First Floor Plan – as existing	13/C10/05		30/4/2019
Ground Floor Plan – as existing	13/C10/04		30/4/2019
Basement Floor Plan – as existing	13/C10/03		30/4/2019
Car Park Layout Plan	18C38-FBA-ZZ- XX-DR-A-9001- P01		20/12/2018
Supporting Statement (Farrar Bamforth Associates Ltd)			20/12/2019
D5 Covering Letter	Dated 30/4/2019		30/4/2019
Air Quality Assessment (REC)	AQ107409		30/4/2019
Ambient Noise & Building Envelope Assessment (PDA)	CW/J002447/37 31/02	2	17/6/2019

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 undertook negotiations with the applicant and in the interest of the amenity of future occupants, secured amended plans that secured larger residential dwelling units and a shared roof terrace private amenity space. At the request of Environmental Health officers, Air Quality and Noise Assessments have been provided, which have demonstrated that the principle of residential accommodation is acceptable.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including 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, digging of 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.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

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

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/planning-inspectorate> . 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: 19-Jul-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2018/62/94181/W .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR
