Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/91505/W

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: North Point Living Developments 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:-

PARTIAL CHANGE OF USE OF HOTEL TO 50 APART-HOTEL ROOMS, A3 (RESTAURANT/CAFE/FUNCTION ROOM), A4 (DRINKING ESTABLISHMENT), D1 (MUSEUM), SPA, ANCILLARY STORAGE AND ASSOCIATED INTERNAL AND EXTERNAL WORKS (WITHIN A CONSERVATION AREA)

At: THE GEORGE HOTEL, ST GEORGE'S SQUARE, HUDDERSFIELD, HD1 1JA

In accordance with the plan(s) and applications submitted to the Council on 07-May-2019, 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, as amended by the Planning and Compulsory Purchase Order 2004.

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 protect the special historic interest of the Grade II* listed host building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. Before any part of the hereby development is first brought into use a report specifying the measures to be taken to protect the users of the aparthotel from noise from external sources including transport and noise sources from other uses within the development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

i. Determine the existing noise climate
ii. Predict the noise climate in bedrooms (night-time) and other habitable rooms (daytime) of the development
iii. 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: In the interests of the protection of users of the apart hotel and wider residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies contained within the National Planning Policy Framework.

4. Before any part of the hereby development is first brought into use details of a ventilation scheme designed to protect the occupants of the apartments from air pollutants has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works comprised within the approved ventilation scheme have been completed and those works shall be retained and maintained in accordance with the manufactures instructions and retained thereafter.
Reason: In the interests of the protection of the amenity of the occupiers of the hereby approved development and to accord with the requirements of Policies LP24 and LP51 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. 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 details of the routing of construction/delivery traffic to and from the site, details of deliveries and construction workers parking facilities, including the expected times of deliveries/parking, and details of any traffic management required during deliveries or construction, including the requirement of a banksman for reversing vehicles on to the highway. Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: in the interests of highway safety, the free use of the highway, to protect the operation and function of the adjacent railway infrastructure and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre commencement condition to ensure that there is no adverse impact on highway safety or the railway infrastructure brought about by construction works.

6. Before any part of the hereby development is first brought into use details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before any part of the hereby development is first brought into use and shall be so retained thereafter free of obstructions and available for storage waste.
Reason: In the interests of visual amenity, the protection of the appearance of the host listed building, highway safety and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

7. The apart hotel hereby approved represents a C1 Hotel use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) and occupiers of the apart hotel shall be limited to a maximum stay of 90 continuous days at any one visit.
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 in the interests of the protection of the amenity of future occupiers of the apart hotel and to accord with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

8. The ground floor restaurant, café, bar and function room uses shall not be open to customers outside the hours of 6:00 to midnight Monday to Saturday and 7:00 to 23:00 Sundays and Bank Holidays.
Reason: In the interests of the protection of users of the apart hotel and wider residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies contained within the National Planning Policy Framework.

9. There shall be no deliveries to or dispatches from any of the uses contained within the hereby approved development outside the times of 7:30 to 23:00 Monday to Friday and 8:00 to 20:00 Saturdays and Sundays.
Reason: In the interests of the protection of users of the apart hotel and wider residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies contained within the National Planning Policy Framework.

NOTE: It is brought to the applicant's attention that Network Rail should be contacted to discuss emergency egress onto the adjacent station car park, any licence required for that purpose and any other issues relating to the use of station land for the functions of the approved development apartments. The primary contact for licencing issues will be:

Oliver Turner
Estates Manager
First Trans Pennine Express
7th Floor Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	LOC		7/5/2019
Existing Basement Floor Plan	01		7/5/2019
Existing Ground Floor Plan	02		7/5/2019
Existing First Floor Plan	03		7/5/2019
Existing Second Floor Plan	04		7/5/2019
Existing Third Floor Plan	05		7/5/2019
Existing Fourth Floor Plan	06		7/5/2019
Existing Front and Side Elevations	07		7/5/2019
Existing Railway Elevation	08		7/5/2019
Proposed Basement Floor Plan	10		7/5/2019
Proposed Ground Floor Plan	11		7/5/2019
Proposed First Floor Plan	12		7/5/2019
Proposed Second Floor Plan	13		7/5/2019
Proposed Third Floor Plan	14		7/5/2019
Proposed Fourth Floor Plan	15		7/5/2019
Proposed Front and Side Elevations	16		7/5/2019
Proposed Railway Elevation	17		7/5/2019
Proposed Café Screen Detail	18		28/6/2019
Proposed Accommodation Screen	19		27/8/2019
Planning and Heritage Statement	2294		7/5/2019

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 to secure amended plans in relation to the heritage impact of the development and the decision is based on these amended plans.

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-Sep-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 2019/62/91505/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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