



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/91611/W

To: Nicola Dean,
R & N Investments Ltd.
92, New North Road
Edgerton
Huddersfield
HD1 5QP

For: NICOLA DEAN, R & N 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 FROM MIXED COMMERCIAL/RESIDENTIAL USE TO FULLY COMMERCIAL (B1 OFFICE), DEMOLITION OF THE REAR TOILET BLOCK AND ASSOCIATED WORKS (WITHIN A CONSERVATION AREA)

At: 92, NEW NORTH ROAD, EDGERTON, HUDDERSFIELD, HD1 5QP

In accordance with the plan(s) and applications submitted to the Council on 02-Jun-2020, 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(a) of the Kirklees Local Plan.

3. The new handrail and balustrade shall be painted black before any part of the development is first brought into use and thereafter retained as such.

Reason: In the interests of visual amenity, to ensure that the development conserves the character of the Greenhead Park / New North Road Conservation Area and the significance of the Listed Building, and to accord with the aims of Policy LP24(a) and 35 of the Kirklees Local Plan, and the National Planning Policy Framework – Conserving and enhancing the historic environment.

4. Notwithstanding the details on the application form, no activities shall be carried out within the building outside the hours of 0730 to 2000 Mon-Fri, 0900 to 1700 Saturdays, and no activities on Sundays or Bank Holidays.

Reason: In the interests of ensuring that the proposed use does not give rise to loss of amenity to neighbouring properties arising from noise or disturbance at unsociable hours, and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan.

5. No part of the development shall be brought into use until all areas indicated to be used for the parking and manoeuvring of vehicles on the approved plans 19.064/DRW/006 and 19.064/DRW/007 has been marked out and laid out with a hardened and drained surface. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking and manoeuvring of vehicles for users of the whole building at all times.

Reason: To ensure adequate space within the site for vehicle movements and parking in the interests of amenity and traffic safety and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan.

6. The areas shown on the approved plans for the storage of wastes shall be retained at all times and kept clear of all obstructions to its use.

Reason: To ensure adequate space within the site for the safe storage and disposal of waste in the interests of highway safety and visual amenity, and to accord with the aims of Policies LP21-22 and 24(d(vi)) of the Kirklees Local Plan.

7. Notwithstanding the provisions of the Use Classes Order 2020, the premises shall be used only for purposes falling within Class E(g)(i), namely, offices to carry out any operational or administrative functions. They shall not be used for any purpose within categories (a), (b), (c), (d), (e) or (f), or subcategories E(g)(ii)&(iii) of Class E of the above Order.

Reason: To accord with the terms of the application, to retain adequate planning control over the site in the interests of supporting the vitality and viability of Huddersfield Town Centre, in particular its retail function, and so that the possible highway safety and residential amenity implications of alternative uses can be properly assessed, in the interests of Policies LP21-22 and LP24(b) of the Local Plan and Chapter 7 of the National Planning Policy Framework.

8. Before any part of the development is first brought into use, a secure cycle storage facility, consisting of a stand permanently anchored to the ground and suitable for a

minimum of 2 cycles, shall be installed in area below the steps to the rear of the bin storage area. This shall thereafter be retained at all times.

Reason: In accordance with the aims of Policy LP20, 21(g) and 24(d)(ii) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality, and to reduce the possibility of cycle theft in accordance with the aims of Chapter 8 of the National Planning Policy Framework.

9. A minimum of one electric vehicle recharging point shall be installed within the parking area of the hereby approved development before any part of it is first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point(s) so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy 24(d)(v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

NOTE: Advertisements. This permission does not grant consent for any form of advertisement. Unless an advertisement benefits from deemed consent under the Control of Advertisements Regulations, a separate application for consent to display an advertisement will be required.

NOTE: Construction noise. 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 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working 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 work may be carried out.

NOTE: The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: This planning permission should be read in conjunction with the listed building consent 2020/91610

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			02-Jun-2020
Planning statement			02-Jun-2020
Location plan	19.064/DRW/001		02-Jun-2020
Site plan / parking layout	19.064/DRW/006		02-Jun-2020
Swept path drawings	19.064/DRW/007		02-Jun-2020
Proposed location of electric charging points	Front 01		02-Jun-2020
Proposed cycle storage plan			25-Sep-2020
Proposed rear elevation	003	D	11-Sep-2020
Proposed rear doors 1/20 scale			15-Sep-2020
Proposed basement	BF001	B	02-Jun-2020
Proposed ground floor	GF002	B	
Proposed first floor	FF003	A	02-Jun-2020
Residential units – supplementary information			02-Jun-2020
Justification for removal of old extension			09-Sep-2020
Proposed new front door			02-Jun-2020
Heritage statement			02-Jun-2020

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. Officers requested further justification for the demolition works; additional justification was submitted and was considered to be satisfactory.

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 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

If 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: 01-Oct-2020

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 2020/62/91611/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
