Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91123/W

To: Alan Davies,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth HD9 5JU

For: S DAVIES, PROSPECT HOUSE (HUDDERSFIELD)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:-

CONVERSION OF GROUND FLOOR TO FORM 5 NO. 1-BEDROOM APARTMENTS, 1 NO. 2-BEDROOM AND 1 NO. 3-BEDROOM APARTMENT, AND ASSOCIATED WORKS (WITHIN A CONSERVATION AREA)

At: THE HUDDERSFIELD HOTEL, KIRKGATE, HUDDERSFIELD HD1 1QT

In accordance with the plan(s) and applications submitted to the Council on 21-Apr-2021, 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 conserve the character of the Huddersfield Town Centre Conservation Area, in the interests of residential amenity and to accord Policies LP15, LP24 and LP35 of the Kirklees Local Plan.

3. A cycle rack providing storage space for a minimum of 5 pedal cycles shall be provided within the cycle storage area shown on plan 03 Revision B before any of the new apartments is first occupied and thereafter shall be retained as such.
Reason: To ensure that secure cycle storage facilities are provided and retained within the site for the convenience of future occupiers and to encourage the use of sustainable, low-impact modes of transport in accordance with the aims of Policies LP15(e) and LP22(g) of the Kirklees Local Plan.

4. All new external entrance doors shall be timber. Any new or replacement entrance doors in the elevations fronting Beast Market shall be of traditional four-panelled design.
Reason: To ensure that the development conserves and enhances the character of the Huddersfield Town Centre Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. The stone used in the infilling of redundant openings on the elevation fronting Beast Market shall be laid in regular courses and shall in all respects match the stone used on the adjoining parts of the existing building.
Reason: To ensure that the development conserves and enhances the character of the Huddersfield Town Centre Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. Before Flats 1 or 2 are first occupied, notwithstanding the recommendations in Part 7 of the Noise Impact Assessment authored by Acoustic Solutions dated 28 January 2022 Ref 1965-96-20V3V4, details of a ventilation scheme for Flats 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information –

i. Identify which rooms require a ventilation system;
ii. The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded;
iii. The ventilation scheme must demonstrate how habitable rooms of these apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned flats and shall be retained thereafter.
Reason: To ensure that the future residents are able to gain adequate ventilation whilst being protected from excessive noise, in particular noise that could arise from the resumption of the former use as licensed premises at the Boy and Barrel Inn, and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

7. Before the development is first brought into use, written evidence to demonstrate that the noise levels specified in the Noise Impact Assessment authored by Acoustic Solutions dated 28 January 2022 Ref 1965-96-20V3V4 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 Impact Assessment have been achieved, then a further scheme shall be submitted for the written 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 apartment(s) to which they relate is first brought into use and thereafter retained.
Reason: To ensure that the amenity of future residents is not adversely affected by noise disturbance and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

8. Before Flats 6 and 7 are 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 wall of the development (Flats 6 & 7) with adjoining non-residential use is of a minimum of 55 dB 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 ensure that the amenity of future residents is not adversely affected by noise disturbance and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

9. Before Flat 7 is first occupied, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall –

i. detail all of the potential sources of odour in the vicinity of the application premises, including extract ventilation system from the adjacent restaurant;
ii. determine the potential of adverse impact on the proposed development from these potential sources of odour;
iii. detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity

Any odour mitigation measures specified in the report shall be implemented before the apartment to which it relates is first occupied and thereafter retained.
Reason: To ensure that future occupants do not suffer loss of amenity as a result of cooking odours and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

Note – Condition (6), ventilation system:
A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Note – Noisy construction activities
It is recommended that noisy construction related activities shall 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
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 – Crime prevention. The developer's attention is drawn to the comments of the Police Architectural Liaison Officer at the link below concerning security measures that it may be possible to incorporate into the scheme. Please note that some of these may require planning permission or Listed Building Consent in themselves.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2021/91123&file_reference=872636

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			07-Apr-2021
Location plan			18-Mar-2021
Existing elevations	02		18-Mar-2021
Existing ground floor plan	01		18-Mar-2021
Proposed ground floor plan	03	B	06-Apr-2022
Proposed roof plan			07-Apr-2022
Proposed elevation	04	B	14-Jul-2021
Heritage statement			08-Apr-2021
Sound insulation test report	AS22-05/T1		24-Jan-2022
Sound insulation test report	AS21-21/T1-T9		13-Jan-2022
Sound insulation tests	AS21-21T1		21-Jan-2021
Sound insulation tests	AS21-21T2		21-Jan-2021
Sound insulation tests	AS21-21T3		21-Jan-2021
Sound insulation tests	AS21-21T4		21-Jan-2021
Sound insulation tests	AS21-21T5		21-Jan-2021
Sound insulation tests	AS21-21T6		21-Jan-2021
Sound insulation tests	AS21-21T7		21-Jan-2021
Sound insulation tests	AS21-21T8		21-Jan-2021
Sound insulation tests	AS21-21T9		21-Jan-2021
Noise report	1965-96-20	4	31-Jan-2021
Noise impact assessment	AS22-07		31-Jan-2022

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 amended plans for the purposes of ensuring compliance with the Nationally Described Space Standards and of ensuring the proposal would conserve, or not lead to unjustified harm to, the character of the Huddersfield Town Centre Conservation Area. The case officer also requested further evidence that noise transmission and airborne noise would not occur at an unacceptable level. Amended plans and supplementary noise information was submitted and informed the decision.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 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.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

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.

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.**

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: **21-Apr-2022**

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 2021/62/91123/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield HD1 9EL