



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91530/W

To: ADA Management Ltd
1A, Foxglove Road
Almondbury
Huddersfield
HD5 8LW

For: ADA Management 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:-

ALTERATIONS TO CONVERT OFFICES TO 7 FLATS (LISTED BUILDING
WITHIN A CONSERVATION AREA)

At: EDGERTON VILLA, 22/24, EDGERTON ROAD, EDGERTON,
HUDDERSFIELD, HD3 3AD

**In accordance with the plan(s) and applications submitted to the Council on
15-Jun-2023, 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 of the Kirklees Local Plan.

3. Before any new dwelling is first occupied, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (e.g. including road traffic) shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and outdoor amenity areas (daytime), bedrooms (night- time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The approved works been carried out in full before the dwelling(s) to which they relate are first occupied 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 whilst retaining the significance of the listed building to accord with the aims of Policies LP24(b), LP35 and LP52 of the Kirklees Local Plan and Chapters 12, 16 and 15 of the National Planning Policy Framework. This information is required pre-occupation to ensure that suitable noise attenuation measures, where required, are incorporated into the development.

4. All areas to be used for the parking of vehicles at the rear of the building shown on the approved site plan shall be retained free of any obstruction to that use. Notwithstanding the details on the approved site plan, parking spaces '18' and '19' are not approved. Before any part of the development is brought into use, a further site plan shall be submitted to and approved in writing by the Local Planning Authority showing these spaces deleted and the area to the front of the building annotated as "turning area". This area shall thereafter be retained as such, free from obstructions to its use.

Reason: The amended plan is required pre-occupation to ensure a satisfactory layout in the interests of highway safety, since parking spaces 18-19 are of substandard length and the parking of vehicles there would compromise the effectiveness of the turning area, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

5. Before any part of the development is first brought into use, an electric vehicle charging scheme outlining the specific facilities dedicated to charging electric vehicles and other ultra-low emission vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles shall be installed before any part of the development is first brought into use (or in accordance with any phasing approved under this condition) and shall thereafter be retained.

Reason: This information is required pre-occupation in accordance with the aims of Policy 24(d(v)) of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on carbon emissions.

6. The cycle storage facility shown on the approved site plan shall be provided before any part of the development is first brought into use. It shall either have a lockable door or shall contain racks or brackets to allow cycles to be individually secured. It shall be thereafter retained and kept available for the storage of cycles by residents.

Reason: In accordance with the aims of Policies LP20 and LP47 of the Kirklees Local Plan and Chapters 8 and 15 of the National Planning Policy Framework, so as to promote healthy and active lifestyles and infrastructure which encourages modes of transport with low impact on carbon emissions.

7. The area for the storage of refuse containers as shown on the approved site plan shall be provided and the new fence to screen the refuse bin storage area erected, before any part of the development is first brought into use. The fence shall thereafter be retained and the designated area kept available for the storage of refuse containers.

Reason: To ensure that suitable facilities are provided and retained for the storage and separation of wastes, to minimise the visual impact of the refuse containers in the interest of conserving the character of the Edgerton Conservation Area, and to accord with the aims of Policies LP24(a&d) and LP35 of the Kirklees Local Plan, and Chapter 16 of the National Planning Policy Framework.

8. Before any new dwelling is first occupied, details of measures to protect future residents against crime, which may include, but not be limited to, an access control system, outdoor lighting and closed-circuit television, to be installed within the site, shall be submitted to and approved in writing by the Local Planning Authority. If any new outdoor lighting is proposed, the above information shall include a Lighting Design Strategy. The above measures shall be installed and made operational before any new dwelling is first occupied, or in accordance with a phasing approved in writing by the Local Planning Authority, and lighting shall not be installed or operated other than in accordance with the approved Lighting Design Strategy.

Reason: This information is required pre-occupation to ensure that future residents are protected, as far as reasonably practicable, from crime or fear of crime, to ensure that inappropriate lighting does not adversely affect the visual amenity of the area or the amenities of nearby residents arising from light spill or light trespass, to preserve the significance of the listed building and to accord with the aims of Policies LP24, LP35 and LP52 of the Local Plan, and Chapters 8, 16 and 15 of the National Planning Policy Framework.

NOTE – The developer is advised that the “Specification” document submitted 13th June 2023 does not form part of the approved documents, since it concerns internal works that will be subject to Listed Building Consent, which at the time of writing has not been granted.

NOTE – Condition (8). The applicant may wish to contact the Designing Out Crime Officer for advice on security measures, whose comments can be viewed at the link below:
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/91530&file_reference=997497filedownload.aspx (kirklees.gov.uk)

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			13-Jun-2023
Location plan			13-Jun-2023
Indicative existing layout			13-Jun-2023
Existing front elevation			13-Jun-2023
Existing lower ground floor plan			13-Jun-2023
Existing ground floor plan			13-Jun-2023
Existing first floor plan			13-Jun-2023
Proposed front elevation			08-Dec-2023
Proposed lower ground floor plan			08-Dec-2023
Proposed ground floor plan			08-Dec-2023
Proposed first floor plan			08-Dec-2023
Proposed site layout			20-Oct-2023
Heritage statement			15-Jun-2023
Design & access statement			13-Jun-2023
Climate change statement			15-Jun-2023

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 amendments in the interests of providing a satisfactory parking layout and to clarify some of the internal works.

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

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: 13-Dec-2023

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 2023/62/91530/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
