



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/92779/W

To: Saj Hussain,
ECO Arch Ltd
8, Maple Grove
Keighley
BD20 6TY

For: Syed Shahaid Shah, Chicken Village

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

At: ERECTION OF SINGLE STOREY REAR EXTENSION, ALTERATIONS TO UPPER FLOORS TO FORM 2 APARTMENTS, ALTERATIONS TO FRONTAGE TO CREATE ADDITIONAL ENTRANCE, INTERNAL AND EXTERNAL ALTERATIONS (LISTED BUILDING WITHIN CONSERVATION AREA)
CHICKEN COTTAGE, 23, CROSS CHURCH STREET, HUDDERSFIELD, HD1 2PY

In accordance with the plan(s) and applications submitted to the Council on 24-Jan-2024. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed development, would result in future occupants suffering from a poor living environment and standard of amenity due to the size (internal floorspace) of the proposed flats and outlook from bedroom 2 of Apartment 2 within the attic. Furthermore, given the high concentration of late-night food and drink uses located on Cross Church Street this would result in future occupiers suffering from a poor living environment and standard of amenity in order to mitigate against external sources of noise, odour and poor air quality. The development would therefore be contrary to Policies LP15d, LP24b and LP52 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Policies within Chapters 12 and 15 of the National Planning Policy Framework.

2. The proposed development is within an area where there have historically been incidences of late-night crime and anti-social behaviour due to the high concentration of licensed premises on Cross Church Street. This would likely result in any occupants of the proposed flats and their visitors having a fear of crime and disorder. Therefore, the development would be contrary to the aims of Chapters 8, 12 of the National Planning Policy Framework, and Policies LP15d and LP24e of the Kirklees Local Plan.

3. In the absence of sufficient information being submitted which identifies the relevant heritage assets, and if/how the proposals may impact upon them, a full and proper assessment of the impact of the development on the Huddersfield Town Centre Conservation Area and Grade II Listed Buildings cannot be undertaken. The applicant has failed to demonstrate that the proposed development would not have a harmful impact on the external appearance of the Listed Building and the Huddersfield Town Centre Conservation Area, through the rear extension, changes to the shopfront and allied external alterations or demonstrated any public benefits which would outweigh any harm caused. The proposals therefore do not meet the requirements of Chapter 12, and Paragraphs 200, 206 and 208 of Chapter 16 of the National Planning Policy Framework and Policies LP1, LP2, LP15, LP24 and LP35 of the Kirklees Local Plan and Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990).

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	-	-	19th September 2023
Existing Floor Plans	2314/201	A	19th September 2023
Proposed Floor Plans	2314/202	C	24th January 2024
Existing and Proposed Elevations & Section	2314/203	A	19th September 2023
Proposed Site Plan	2314/204	A	5th December 2023
Proposed Section	2314/205	A	24th January 2024
Coal Mining Risk Assessment – Supporting Information	-	1.1	27th November 2023
Design and Specification for Kitchen Ventilation System – Supporting Information	KRS/2028/Wa	-	28th November 2023
Climate Change Statement – Supporting Information	-	-	6th October 2023
Design Access and Heritage Statement – Supporting Information	-	-	6th October 2023
Multiflow SEL Product Brochure – Supporting Information	-	-	28th November 2023
LONGAR Type 2 High Performance Premium Baffle Filter brochure – Supporting Information	-	-	28th November 2023
Electrostatix 7000/10500 AG Grease & Smoke Control brochure – Supporting Information	-	-	28th November 2023
Xtract 2100+ Odour Control – Supporting Information	-	-	28th November 2023
Flakt Woods Limited Technical Data Sheet MaXfan Compac – Supporting Information	-	-	28th November 2023
Acoustic Deck 34 Premium Overlay Board – Supporting Information	-	-	28th November 2023
Site Photos – Supporting Information	-	-	15th & 24th January 2024

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought on this occasion as the proposals are deemed to be wholly unacceptable and would require significant amendments to overcome the objections raised.

Development within a Coal Mining Area

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

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

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 refuse permission for the proposed development 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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 [the Planning Inspectorate website](#)
Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- 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: 25-Mar-2024

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 [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/62/92779/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
