Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/93106/W

To: **Nick Willock,**
Robert Halstead Chartered Surveyor
Office G of H
Bridge Mills
Huddersfield Road
Holmfirth
HD9 3TW

For: Huddersfield Tech 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 OF ADULT EDUCATION CENTRE (CLASS F1(A)) TO A MIXED-USE COMMUNITY FACILITY TO INCLUDE USE CLASSES E(A) TO E(G)(I), F1(A), F1(B), F1(E) AND F2(B) (PART RETROSPECTIVE) (LISTED BUILDING WITHIN A CONSERVATION AREA)

At: HOLMFIRTH TECH, HUDDERSFIELD ROAD, HOLMFIRTH, HD9 3AR

In accordance with the plan(s) and applications submitted to the Council on 19-Oct-2023, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be carried out in 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP26, LP27, LP30, LP31, LP35, LP48, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and Policies 1, 2, 3, 9, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan.

2. Within three months from the date of this permission, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of:

- The control of use of the car park being restricted to permit holders only and details of signs indicating this.
- The marking out of the car park and indication of what spaces are available to the shared authorised users.
- The number and location of accessibility spaces.
- The location and number of cycle parking spaces.
- Management of drop-off and pick-up and measures to remove this from the car park.
- Other means to reduce the number of vehicles using the narrow access road.
- Dissemination of information for centre users on sustainable travel options and locations of town centre public car parks.
- Mechanism for review of the car park management plan.

The development shall thereafter be operated in accordance with the approved Car Park Management Plan.
Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity, and to accord with LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Development Plan.

3. Notwithstanding the details shown on the approved plan, within three months from the date of this permission, a scheme detailing arrangements and specification for layout of parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements and specification of the parking spaces shall be completed in accordance with the details shown on the approved plans within 6 months of the date of this permission and retained thereafter.
Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Development Plan.

4. The use hereby permitted shall not be open to customers outside the hours of:

- Monday to Saturday: 08:30 – 21:00
- Sunday and Bank Holidays: 09:00-17:00

And there shall be no deliveries to, or dispatches from the premises outside of these hours.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. Within three months from the date of this permission, details of suitable storage, bin presentation points and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details of storage, bin presentation points and access for collection of wastes shall be provided within 4 months of the date of this permission and retained thereafter.
Reason: In the interests of amenity and highway safety and to meet the requirements set out in Kirklees Local Plan Policy LP24 part d(vi) and Chapter 9 of the National Planning Policy Framework.

6. Within three months from the date of this permission, a Sustainable Travel Statement shall be submitted to and approved in writing by the Local Planning Authority. The sustainable travel statement shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of bus information and sustainable transport routes in literature and on the development's websites;
- information provided in literature and on the development's web site concerning the use of car sharing;
- the introduction of working practices to reduce travel demand;
- the provision of on-site cycle facilities and information.

The Sustainable Travel Statement shall include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the sustainable travel statement will also include how the promotion of sustainable travel will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site and how the travel plan statement and its objective of more sustainable travel will be promoted. The approved sustainable travel statement shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: To comply with the Council's sustainability objectives and to accord with Chapters 9 and 14 of the National Planning Policy Framework, Policy 11 of the Holme Valley Neighbourhood Plan and Policies LP20 and LP22 of the Kirklees Local Plan.

6. Within three months from the date of this permission, the approved vehicle parking areas and areas to be used by pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 14 of the National Planning Policy Framework.

NOTE: Construction related noise 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.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
(23227)1_Location Plan	-	B	19th December 2023
(23227)2_Layout as Existing	-	C	19th December 2023
Climate Change Statement – Supporting Information	-	-	20th October 2023
Planning Statement – Supporting Information	-	-	20th October 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought in respect of the originally submitted red line boundary which appeared to be slightly incorrect. Amended plans were provided by the applicant's agent to rectify this concern.

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 this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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: 02-Feb-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 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 2023/62/93106/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