



Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3

Application Number: 2024/48/90109/W

To: Iain Bath,
BATH
9, Scampston Drive
Harrogate
HG3 1FU

For: Joanne Bartholomew, Kirklees Council, Growth & Regeneration

Description and location of development:

CHANGE OF USE OF TAKEAWAY (SUI GENERIS) AND PUBLIC HOUSE (SUI GENERIS) AND ALTERATIONS TO CONVERT GROUND FLOOR TO 2 FLATS(C3), ENTRANCE LOBBY, BIKE AND BIN STORAGE; CHANGE OF USE OF RESTAURANT (CLASS E) AND ALTERATIONS TO CONVERT LEVEL 1 TO 2 FLATS (C3) AND BIN STORAGE; ALTERATIONS TO LEVEL 2 TO FORM ONE ADDITIONAL FLAT (C3); ALTERATIONS AND REFURBISHMENTS TO LEVELS 3-11; INSTALLATION OF PHOTO VOLTAICS TO ROOF

At: BUXTON HOUSE, NEW STREET, HUDDERSFIELD, HD1 2PJ

Date of submission: 19-Mar-2024

In pursuance of its powers under the above mentioned Act and Regulations KIRKLEES COUNCIL (hereinafter called "The Council") hereby grants planning permission for the above development subject to the following condition(s):-

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

3. Prior to the commencement of development, 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 including road traffic, pedestrians, and mechanical plant including the lift, 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, bedrooms (nighttime) 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 development shall not be occupied until all works specified in the approved report have been carried out in full 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 to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF. This is a pre-commencement condition to ensure appropriate mitigation measures are considered and put in place prior to potentially abortive works taking place.

4. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwellings hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

5. Prior to the commencement of development, a scheme detailing how the mosaic art located under Buxton House shall be protected throughout the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in full accordance with the approved scheme.

Reason: To protect the historic artwork in accordance with Policy LP35 of the Kirklees Local Plan and guidance within chapter 16 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate mitigation measures are considered and put in place prior to potential harm being caused via construction activities.

6. Prior to the commencement of the development, details of crime mitigation measures shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the residential units and thereafter retained as such.

Reason: In the interests of crime prevention and safety and to accord with guidance within LP24 of the Kirklees Local Plan and guidance within the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate mitigation measures are considered and put in place prior to potentially abortive works taking place.

7. Before development commences, details of suitable cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To comply with the Council's sustainability objectives and to meet the requirements set out in Local Plan Policy LP22 part g. This is a pre-commencement condition to ensure an appropriate design approach may be considered and put in place prior to potentially abortive works taking place.

8. Before development commences, details of suitable storage, bin presentation points and access for collection of waste from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi). This is a pre-commencement condition to ensure an appropriate design approach may be considered and put in place prior to potentially abortive works taking place.

9. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of highway safety and to accord with Kirklees Local Plan policies LP24 and LP21. This is a pre-commencement condition to ensure that adequate consideration and mitigation may be put in place prior to construction works taking place.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Monday to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/public holidays.

NOTE: 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: A consultation response was received from The HSE (Fire Safety). The HSE provided supplementary information which detailed actions to be undertaken at later stages of the development.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Fire Statement	22176 – Buxton House – Fire statement form	03	04.07.2024
Proposed north and west elevations	BXT-AHR-B1-XX-DR-A-20400	P4	27.06.2024
Proposed east and south elevations	BXT-AHR-B1-XX-DR-A-20401	P2	20.06.2024
Proposed level 00 – ground floor plan	BXT-AHR-B1-00-DR-A-20200	P3	13.06.2024
Proposed CCTV camera locations	-	-	13.06.2024
Response to HSE (fire safety) comments by Hydrock now Stantec dated 12.06.2024	22176-HYD-XX-XX-RP-FE-1002	00	13.06.2024
Proposed level 01 – first floor plan	BXT-AHR-B1-01-DR-A-20201	02	13.05.2024
Crime Prevention statement	-	-	19.03.2024
Planning Policy Statement by IB Planning	-	-	19.03.2024
Environment Agency flood map for planning created 19.10.2023	-	-	19.03.2024
Level 02 proposed demolition plan	BXT-AHR-B1-XX-DR-A-09702	01	19.03.2024
Level 03 proposed demolition plan	BXT-AHR-B1-XX-DR-A-09074	01	19.03.2024
Levels 04 – 11 proposed demolition plan	BXT-AHR-B1-XX-DR-A-09704	01	19.03.2024
Climate change checklist – appendix A	-	-	19.03.2024

Climate Change checklist	-	02	19.03.2024
Ecological documentation summary	-	-	19.03.2024
Buxton House Fire Strategy by Hydrock dated 12 Jan 2024	22176-HYD-XX-XX-RP-FE-1001	02	19.03.2024
Location plan	BXT-AHR-S1-XX-DR-A-10100	01	19.03.2024
Proposed east and south elevations	BXT-AHR-B1-XX-DR-A-10401	01	19.03.2024
Proposed north and west elevations	BXT-AHR-B1-XX-DR-A-10400	01	19.03.2024
Proposed level 02 – second level plan	BXT-AHR-B1-02-DR-A-20202	01	19.03.2024
Proposed level 03 – third floor plan	BXT-AHR-B1-03-DR-A-20203	01	19.03.2024
Proposed level 11 – eleventh floor plan	BXT-AHR-B1-11-DR-A-20211	01	19.03.2024
Proposed level 09 – ninth floor plan	BXT-AHR-B1-09-DR-A-20209	01	19.03.2024
Proposed level 10 – tenth floor plan	BXT-AHR-B1-10-DR-A-20210	01	19.03.2024
Proposed level 07 – seventh floor plan	BXT-AHR-B1-07-DR-A-20207	01	19.03.2024
Proposed level 08 – eighth floor plan	BXT-AHR-B1-08-DR-A-202081	01	19.03.2024
Proposed level 06 - sixth floor plan	BXT-AHR-B1-06-DR-A-20206	01	19.03.2024
Proposed Level 04 - fourth floor plan	BXT-AHR-B1-04-DR-A-20204	01	19.03.2024
Proposed Level 05- Fifth floor plan	BXT-AHR-B1-05-DR-A-20205	01	19.03.2024
Proposed level 12 – Roof Plan	BXT-AHR-B1-12-DR-A-20212	01	19.03.2024
Proposed Level B1 – Basement Plan	BXT-AHR-B1-B1-DR-A-202B1	01	19.03.2024
Existing level 00 – ground floor plan	BXT-AHR-B1-00-DR-A-10200	01	19.03.2024
Existing level 01 – GA floor plan	BXT-AHR-B1-01-DR-A-10201	01	19.03.2024
Existing level 02 – second level plan	BXT-AHR-B1-02-DR-A-10202	01	19.03.2024
Existing level 03 – third floor plan	BXT-AHR-B1-03-DR-A-10203	01	19.03.2024
Existing level 11 – eleventh floor plan	BXT-AHR-B1-11-DR-A-10211	01	19.03.2024
Existing level 09 – ninth floor plan	BXT-AHR-B1-09-DR-A-10209	01	19.03.2024
Existing level 10 – tenth floor plan	BXT-AHR-B1-10-DR-A-10210	01	19.03.2024
Existing level 07 – seventh floor plan	BXT-AHR-B1-07-DR-A-10207	01	19.03.2024
Existing level 08 – eighth floor plan	BXT-AHR-B1-08-DR-A-10208	01	19.03.2024

Existing level 06 - sixth floor plan	BXT-AHR-B1-06-DR-A-10206	01	19.03.2024
Existing Level 04 - fourth floor plan	BXT-AHR-B1-04-DR-A-10204	01	19.03.2024
Existing Level 05- Fifth floor plan	BXT-AHR-B1-05-DR-A-10205	01	19.03.2024
Existing level 12 – Roof Plan	BXT-AHR-B1-12-DR-A-10212	01	19.03.2024
Existing Level B1 – Basement Plan	BXT-AHR-B1-B1-DR-A-102B1	01	19.03.2024

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 Planning 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. During the course of the application, the applicant submitted amended elevation plans, amended ground and first floor plans and amended fire statement in order to respond to Officer comments.

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.

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](#). Alternatively the forms and supporting guidance for submitting an application can be found online at [Kirklees Council Planning Website](#).
- 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 refuse permission for the proposed development or 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 you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- 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 Inspectorates website](http://theplanninginspectorates.gov.uk). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](http://theplanninginspectorates.gov.uk)
- 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: 15-Jul-2024

Signed:



**David Shepherd
Strategic Director Growth and Regeneration**

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

[Kirklees Council Planning Website](#)

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
