



**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/62/90471/W**

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**To: Philip Fletcher  
302, New Road  
Staincross  
Barnsley  
S75 6GP**

**For: K BULLAR, BULLAR PARTNERSHIP**

**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 FORMER CLUB TO 7 FLATS**

**At: MARSH CONSERVATIVE CLUB, ABB STREET, MARSH, HUDDERSFIELD,  
HD1 4PB**

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**In accordance with the plan(s) and applications submitted to the Council on 04-  
Mar-2024, 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 to accord with Policies LP01, LP02, LP07, LP21, LP22, LP24, LP33, LP34 and LP43 of the Kirklees Local Plan, the Principles in the Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework

3. Notwithstanding the submitted details, the seven dwelling flats hereby approved within this permission shall each be occupied as the sole residence for no more than one persons only.

**Reason:** To ensure that there would be a satisfactory residential amenity for the level of accommodation achieved for future occupants of the one bedroom flats permitted and for highway safety and parking in the locality, to accord with Policies LP24b, LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 16 of the Housebuilders Design Guide SPD, and policies within Chapters 9 and 12 of the National Planning Policy Framework.

4. Prior to development being brought into use, the parking spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles thereafter.

**Reason:** To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5. Notwithstanding the plans submitted the development shall not be brought into use until a scheme detailing (i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas and (ii) the strategy for bin movement from presentation points expected for the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works required by part (i) of this condition have been completed/provided, which shall thereafter be retained and maintained for the lifetime of the development, unless a subsequent variation to the scheme is approved in writing by the Local Planning Authority. The strategy approved under part (ii) of this condition shall be operated throughout the life of the development unless a subsequent variation to the scheme is approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate waste storage facilities are provided in the interests of visual amenity, residential amenity and fire safety to accord with policies LP24, LP43 and LP52 of the Kirklees Local Plan and policies contained within Chapters 12 and 15 of the National Planning Policy Framework.

**FOOTNOTE:** Due to being submitted prior to legislation being brought into force, the proposal is exempt from supplying biodiversity net gain introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

**FOOTNOTE:** The land within the application red line boundary carries a route subject of an application claiming the existence of public rights of way. Under the Wildlife & Countryside Act 1981, the definitive map modification order (“DMMO”) application seeks the recording of a public bridleway on the definitive map and statement of public rights of way, by order. The grant of planning consent or development further to planning consent would not affect the recording of any public rights of way that may subsist, and interference or obstruction of the way in question would be at the risk of the operator and land holder. For further information, contact the Council’s public rights of way team at [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk) or by post to Public Rights of Way, PO Box 1720, Huddersfield HD1 9EL or telephone 01484 221000. DMMO application reference: 353.

**FOOTNOTE:** The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**FOOTNOTE:** Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S ‘Infrastructure for the charging of electric vehicles’. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

**FOOTNOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

**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 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan.	Licence no. 100047474.	Unamended	05/03/2024
Proposed Parking Layout.	-	Unamended	16/07/2024
Existing and Proposed Floor Plans.	-	A	05/03/2024
LP48 Planning Statement.	-	Original	05/03/2024
Climate Change Statement	-	-	

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. Officers requested details of plans to set out parking arrangements, access and bins to fully address representations and to ensure that the proposal closely met policy requirements. The agent sought to justify the impacts, and requested a response from Highway Development Management to determine whether their requested plan was required in the consultee response. The requested details were confirmed to be required and supplied in an abridged format.

**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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 30-Aug-2024

Signed:



**David Shepherd**  
Executive Director for Place

### 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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2024/62/90471/W .

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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