



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91458/W

To: Alison Dumville
Robert Halstead Chartered Surveyors
Office G of H
Bridge Mills
Huddersfield Road
Holmfirth
HD9 3TW

For: Holmfirth 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:-

VARIATION OF CONDITIONS 2 (CAR PARK MANAGEMENT PLAN), 4 (OPENING HOURS) AND 6 (SUSTAINABLE TRAVEL STATEMENT) AND REMOVAL OF CONDITION 7 (CAR PARK RE-SURFACING) ON PREVIOUS PERMISSION 2023/93106 FOR 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, 142 , HUDDERSFIELD ROAD, HOLMFIRTH, HD9 3AR

In accordance with the plan(s) and applications submitted to the Council on 28-May-2024 [together with those plans and application(s) submitted to the Council on 19-Oct-2023 and incorporated into planning permission 2023/93106 granted on 02-Feb-2024] and 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. The car park to the rear of, and ancillary to Holmfirth Tech, 142, Huddersfield Road, Holmfirth, HD9 3AR shall be operated in accordance with the approved Car Park Management Plan.

Reason: To ensure that the site can be made safe and accessible 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. Arrangements and the specification for layout of parking spaces shall be undertaken in accordance with details outlined within hereby approved drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024. 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.

4a. Except for the circumstances referred to in condition 4b, 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

Reason: In the interests of preventing loss of amenity to adjacent residential properties arising from noise and nuisance disturbance and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4b. Notwithstanding the requirements of condition 4a, for a twelve-month trial period from the date of this decision, the use hereby permitted shall not be open to customers outside the following hours:

- Monday to Thursday: 08:30-21:00
- Friday and Saturday: 08:30-23:00
- Sunday and Bank Holidays: 09:00-17:00

At the end of the twelve-month trial period the hours of use shall be in accordance with those set out within condition 4a.

Reason: To allow the impacts of the variation in hours to be assessed during this period in the interests of preventing the loss of amenity to adjacent residential properties arising from noise disturbance and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. Storage, bin presentation points and access for collection of wastes shall be provided in accordance with the details outlined within hereby approved drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024 and be so 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. The development shall operate in accordance with the measures contained within the hereby approved Sustainable Travel Statement by Robert Halstead Chartered Surveyors & Town Planners, dated May 2024, received 3rd June 2024. 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 Development Plan and Policies LP20 and LP22 of the Kirklees Local Plan.

7. Within three months of the date of this permission, the five areas of patching within the Holmfirth Tech car park, as identified within the hereby approved Car Park Condition Survey dated September 2024, received 11th September 2024 and drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024, shall be undertaken and shall be 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 contained within Chapter 14 of the National Planning Policy Framework.

NOTE: Construction relates 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	Version	Date Received
(23227)10_Site Layout Plan	-	B	2nd October 2024
Car Park Management Plan – Supporting Information	-	-	3rd June 2024
Sustainable Travel Statement – Supporting Information	-	-	3rd June 2024
Holmfirth Tech Car Park Survey – Supporting Information	-	-	3rd June 2024
Tech Car Park Survey (Travel) – Supporting Information	-	-	3rd June 2024
Car Park Condition Survey September 2024 – Supporting Information	-	-	11th September 2024
Quotes for work from D.Haigh & Co. Tarmacadam Specialists – Supporting Information	-	-	3rd June 2024
Planning Statement – Supporting Information	-	-	3rd June 2024
Ownership Plan – Supporting Information	(23227)11_Ownership Plan	A	2nd October 2024
<i>Approved under application ref: 2024/91391</i>			
Email from Applicant's Agent Mrs. Alison Dumville - Supporting Information	-	-	15th July 2024
<i>Approved under application ref: 2023/93106</i>			
(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. No amendments have been sought on this occasion as the proposals were considered to be acceptable upon submission.

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 Telephone: (01484) 221550 for more information.

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

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 speedier 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.

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 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 <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: 18-Dec-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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/91458/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
