



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/91518/W

To: William James,
Wellsfield Associates
Prospect Cottage
189, The Street
Ekye
IP12 2QG

For: The Co-operative Group

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:-

ERECTION OF EXTENSIONS AND ALTERATIONS TO CONVERT VACANT PUBLIC HOUSE INTO CONVENIENCE STORE WITH ASSOCIATED CAR PARKING, PLANT AREA AND DELIVERY ACCESS (LISTED BUILDING WITHIN A CONSERVATION AREA)

At: ROSE & CROWN, 43, NORTHGATE, ALMONDBURY, HUDDERSFIELD, HD5 8RX

In accordance with the plan(s) and applications submitted to the Council on 24-May-2019, 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, as amended by the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP13, LP21, LP22, LP24, LP35 and LP48 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Prior to the development being brought into use, a scheme detailing the boundary treatment of all the site, to include details of fencing/gates/bollards within the car park area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme has been completed and thereafter retained in accordance with the approved details.

Reason: In the interests of the visual and residential amenity and character of the surrounding conservation area and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and Chapter 16 of the National Planning Policy Framework

4. The approved convenience store shall not be brought into use until all areas to be used for parking, turning and vehicular access as shown on drawing no. 3510 -05 Rev b, has been laid out with a hardened and drained surface 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 and fully made operational. Thereafter the parking spaces shall be retained, surfaced, and marked out in accordance with these approved details

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements, parking, and to avoid an increase in surface water run-off, in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of Chapters 12 and 14 of the National Planning Policy Framework.

5. Before any external artificial lighting works commence, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:-

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare beyond the boundary of the site from the use of the lighting
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The development shall be completed in accordance with the approved details and operated thereafter in accordance with the approved scheme.

Reason: To ensure the amenities of nearby residential properties are not compromised and to accord with Policies LP24 and LP52 paragraph 180 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to commencing any works to the approved extension, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to be provided and undertaken to control noise from any external plant/areas. Thereafter, the development shall be completed in accordance with the approved scheme before the approved convenience store is brought into use, and retained thereafter.

Reason: To ensure the amenities of nearby noise sensitive properties are not compromised and to accord with Policies LP24 and LP52 paragraph 180 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. The use/development hereby permitted shall not be open to customers outside the hours of 7:00 to 23:00 Monday to Sundays.

Reason: To ensure the amenities of nearby noise sensitive properties are not compromised and to accord with Policies LP24 and LP52 paragraph 180 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. There shall be no deliveries to or dispatches from the premises outside the times of 7:30 to 20:00 Monday to Friday and 8:00 to 20:00 Saturdays. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure the amenities of nearby noise sensitive properties are not compromised and to accord with Policies LP24 and LP52 paragraph 180 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. No groundworks shall commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan as well as chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the information is agreed at an appropriate stage of the development process.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition no. 9, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan as well as chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the information is agreed at an appropriate stage of the development process.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 10, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the site is fit to receive new development and to accord in accordance with Policy LP53 of the Kirklees Local Plan as well as chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the information is agreed at an appropriate stage of the development process.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan as well as chapter 15 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan as well as the aims of chapter 15 of the National Planning Policy Framework.

14. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The approved convenience store shall only be occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained in accordance with the approved details.

Reason: To ensure that the development does not increase flood risk elsewhere, and to accord with chapter 14 of the National Planning Policy Framework and Policy LP28 of the Kirklees Local Plan. This is a pre-commencement condition as effective drainage is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

15. No above ground works shall take place until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include details of the following.

a) Purpose and conservation objectives for the proposed ecological works, in relation to site potential.

b) Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bird boxes to be installed integral to all new building.

c) Planting schedule and planting plan to show the retention of existing trees along the south and east boundaries showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that there is a well laid out scheme of landscape in the interests of amenity and biodiversity in accordance with Policies LP24, LP30 and LP33 of the Kirklees Local Plan and Chapters 12 and 15 National Planning Policy Framework

16. The development shall not commence until a scheme detailing measures to manage parking on Northgate between the site access and no further than 12m south east of the site access and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the development shall be brought into use until the approved scheme has been implemented.

Reason: This is a pre commencement condition to ensure the appropriate measures have been secured to accommodate the proposals without compromising highway safety of all users of the surrounding highway network in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in within the National Planning Policy Framework.

17. Prior to the occupation of any building, details of a new pedestrian crossing to be located at the entrance of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and the pedestrian crossing provided in full prior to the occupation of any building and retained thereafter.

Reason: In order to ensure the safe movement of vehicles and pedestrians in accordance with Policies LP21 and PP24 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

18. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following:

- (i) hours for site preparation, delivery of materials and construction;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for managing and the recycling/disposing of waste resulting from construction works.
- (ix) location of any portable cabin structures

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In the interests of the amenity of the locality and in accordance with chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan. This is a pre-commencement condition to ensure construction works do not adversely impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

19. Prior to occupation of the approved convenience store, electric vehicle recharging points shall be installed at 10% of the provided parking spaces in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicles charging points so installed shall thereafter be retained.

Reason: To accord with the guidance contained in chapter 4 of the National Planning Policy Framework "Promoting sustainable transport", the West Yorkshire Low Emissions Strategy, Policy LP24 of the Kirklees Local Plan and to encourage low carbon forms of transport in accordance with chapter 15 of the National Planning Policy Framework.

20. No above ground works shall take place until details of refuse/bin storage areas, any structures required to store bins and proposed collection points for refuse/bins have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and none of the buildings brought into use until the agreed details have been provided. The refuse/bin storage and collection areas so approved shall thereafter be retained.

Reason: In the interests of residential and visual amenity and character of the surrounding area, in the interests of highway and pedestrian safety and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: 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.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Noise Mitigation Scheme Footnote

A satisfactory noise mitigation scheme would normally refer to relevant guidance documents to show that the required objectives have been achieved. However, if at noise sensitive premises, the noise is inaudible at their boundary during the daytime and inside at night-time satisfactory mitigation will be considered to have been achieved. The applicant is advised to appoint a suitably competent person to provide the Noise Mitigation Scheme and developers may wish to contact the Association of Noise Consultants

<http://www.association-of-noise-consultants.co.uk/Pages/Links.htm>

(01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

NOTE: The removal of roofing tiles shall be carried out by hand between October and March.

NOTE: This permission should be read in conjunction with the allied listed building consent and conditions granted under application no. 2019/91519

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site block plan	3510 -03		08/05/19
Existing floor plans & elevations	3510 -01		08/05/19
Revised location and site block plan	3510-05b		18/10/19
Proposed elevations	3510 -02		08/05/19
Proposed floor plan	3510-06b		18/10/19
Revised site block plan	3510-04b		18/10/19
Vehicle tracking plan & off site works	190503 - SK1 rev C		21/10/19
Highway statement dated 16th Oct 2019			17/10/19
Design & access statement			24/06/19
Heritage Statement	Rev A dated 23rd May 2019		24/05/19

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. The Council has proactively engaged with the agent in order to ensure an appropriate scheme was agreed and sought revisions in the interests of the preserving the significance of the host listed building, character of the surrounding Conservation Area and so as not to compromise highway safety. The above conditions have been agreed to by the applicant.

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

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/planning-inspectorate> . 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: 13-Nov-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

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 2019/62/91518/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: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
