



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/90049/W

To: Caroline Campbell,
Fusion DNA
4, Risborough Street
London
SE1 0HE

For: Turtle Bay Restaurants 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:-

ERECTION OF 2 JUMBRELLAS WITH WEIGHTED BASES AND INTEGRAL HEATING AND LIGHTING, GLAZED SCREENS WITH WEIGHTED BASES AND TIMBER BENCH SEATING AREAS (WITHIN THE CURTILAGE OF A LISTED BUILDING AND WITHIN A CONSERVATION AREA)

At: TURTLE BAY, 50, KING STREET, HUDDERSFIELD, HD1 2QT

In accordance with the plan(s) and applications submitted to the Council on 15-Feb-2016, subject to the condition(s) specified hereunder:-

1. This permission hereby granted shall be for a limited period only to expire on 10 April 2017 and on the expiration of this period the structure shall be removed and the site shall be restored to the satisfaction of the Local Planning Authority, unless after proper application having been made the period shall be extended by the Local Planning Authority.

Reason: The development hereby permitted would not normally be permitted on this site and this temporary permission has been granted in order that the Local Planning Authority can re-assess the impact of the development at the end of the specified period, in the interests of ensuring the safe and efficient use of the pedestrian highway, to assess the proposal's impact on anti-social behaviour, and so as to preserve the heritage value of Huddersfield Town Centre Conservation Area and the neighbouring Listed Buildings; in accordance with Policies D2, BE1, BE5, BE23, and T10 of the Kirklees Unitary Development Plan and Chapters 7, 8 and 12 of the National Planning Policy Framework.

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 Policy D2 , BE1, BE2, BE5, BE23, and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. The glazed screens hereby approved shall be of laminated glazing, as per plan 110/42/210_Rev.H, on first installation. Laminated glazing shall thereafter be retained.

Reason: In the interest of crime prevention, in accordance with Policies BE1 and BE23 of the Kirklees Unitary Development Plan and Chapter 8 of the National Planning Policy Framework.

4. The seating area hereby approved shall not be open to customers outside of the hours of 0900 to 2200, Monday to Sunday inclusive.

Reason: In the interest of crime prevention, in accordance with Policies BE1 and BE23 of the Kirklees Unitary Development Plan and Chapter 8 of the National Planning Policy Framework.

5. Prior to the hereby approved development being brought into use, Close-Circuit Television Cameras, as per plan reference 110/42/210 Rev.H, shall be installed and made fully operational. The Cameras shall be position so as to have a view of the entirety of the approved seating area. The cameras shall thereafter be retained and operated in accordance with the manufacturers guidelines.

Reason: In the interest of crime prevention, in accordance with Policies BE1 and BE23 of the Kirklees Unitary Development Plan and Chapter 8 of the National Planning Policy Framework.

NOTE: Notwithstanding the hereby approved development, it is the applicant's responsibility to ensure they have to correct licences to operate as intended. Further to any standard licencing, as the proposal includes equipment being left within the public highway overnight, permission may be required from the Highway Authority. To discuss this matter further, please contact David Reid on 01484 221000.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Supplementary Information	Heritage Statement		15.02.2016
Supplementary Information	Design and Access Statement		15.02.2016
Supplementary Information	Bench Details – SK02		15.02.2016
Location Plan	110/42_102	Rev.A	15.02.2016
Block Plan	110/42/210	Rev.H	22.03.2016
Proposed Elevations	110-42/510	Rev.A	08.03.2016
Proposed Elevations	110-42/511	Rev.A	08.03.2016

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.

Discussions were held between the case officer and application's agent in regards to concerns over crime prevention. Amended plans were submitted which, subject to condition, were deemed acceptable to be granted for a temporary period.

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. 01484-225397 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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is 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://acp.planninginspectorate.gov.uk> . 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: 11-Apr-2016

Signed: 

Jacqui Gedman
Director of 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 planning applications and decisions' and by searching for application number 2016/62/90049/W.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
