



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/93797/W

To: Malcolm Sizer Planning Ltd
17, Kistvaen Gardens
Meltham
Holmfirth
HD9 5NQ

For: BANKGATE, C/O AGENT

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:-

CONVERSION AND EXTENSION OF EXISTING BUILDING, INCLUDING PART DEMOLITION, TO FORM WEDDING VENUE AND RESTAURANT WITH BEDROOMS, AND ANCILLARY CAR PARK TOGETHER WITH COMMUNITY USE. (LISTED BUILDING) (MODIFIED PROPOSAL)

At: FIELDHEAD, 1, LIDGET STREET, LINDLEY, HUDDERSFIELD, HD3 3JB

In accordance with the plan(s) and applications submitted to the Council on 22-Nov-2016, 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. For the avoidance of doubt the gymnasium extension shall be constructed in accordance with the details shown on plans 2013/38/06 rev B and 2013/38/08 Rev B notwithstanding the details shown on the proposed Block Plan.

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 BE1 and BE2 of the Kirklees Unitary Development Plan.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies BE1-2 of the Kirklees Unitary Development Plan.

4. Before work commences on the formation of the roof terrace, details of any parasols or umbrellas to be installed permanently on the terrace shall be submitted to and approved in writing by the Local Planning Authority. No permanent parasols or umbrellas shall be attached to the terrace other than those approved, including at any time in the future.

Reason: To ensure that the development does not detract from the character and significance of the Grade II listed building and to accord with the National Planning Policy Framework – Conserving and enhancing the historic environment.

5. The development shall not be brought into use until sight lines of 2.4metres x 43 metres in which there shall be no obstruction to visibility 1.0m above the adjacent carriageway channel line as indicated on the approved plan B99C 01 Rev C have been completed. Thereafter, the sight lines shall be retained as such.

Reason: In the interests of Highway Safety and the formation of an acceptable access to serve the application site, and the adjacent approved housing site and in accordance with Kirklees Unitary Development Plan Policy T10 and Policies within the National Planning Policy Framework.

6. The improvements to the access shown on drawing B99C 01 Rev C shall be implemented in full accordance with approved details before the development is brought into use, and thereafter retained as such.

Reason: In the interests of Highway Safety and the formation of an acceptable access to serve the application site, and the adjacent approved housing site and in accordance with Kirklees Unitary Development Plan Policy T10 and Policies within the National Planning Policy Framework.

7. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the revised Noise Report dated 11th October 2016 produced by S & D Garritt Ltd:-

I. shall be completed; and

II. evidence submitted to prove that they have been installed shall be submitted to the Local Planning Authority.

These works shall thereafter be retained.

Reason: In the interests of preventing loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance, and to accord with Policies D2, EP4 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

8. Before the function rooms are first brought into use, details of a ventilation scheme to show how function rooms shall be ventilated without the need to open windows and doors shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the development is first brought into use and thereafter retained.

Reason: In the interests of preventing loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance, and to accord with Policies D2, EP4 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

9. All external doors and windows to rooms where regulated entertainment is provided shall remain closed during the course of the entertainment, and no loudspeaker used to relay singing, speech or amplified music shall be positioned on the premises in any external area including the proposed roof terrace.

Reason: In the interests of preventing loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance, and to accord with Policies D2, EP4 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

10. The “bar and restaurant” use of the hereby approved development as shown on the approved floor plans and as detailed as the ‘Dining’ and ‘Bar/Dining’ area shall not be open to customers outside the hours of 06:00 to 00:00 Midnight, Monday to Thursday including Bank Holidays, and not be open to customers outside the hours of 06:00 to 02:00 Fridays to Sunday for a period of 12 months after the commencement of the operation of the development, after which the ‘bar and restaurant’ shall not be open to customers outside the hours of 06:00 to 00:00 Midnight Fridays to Sunday. Details of the commencement of the operation of the development shall be submitted to the Local Planning Authority within 1 month of commencement of the operation of the development.

Reason: In the interests of preventing loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance, to allow the impact of late opening hours to be assessed, and to accord with Policies D2, EP4 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

11. No patrons shall be permitted to use the roof terrace except between the hours of 0700 and 2130 on any day.

Reason: In the interests of preventing loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance, and to accord with Policies D2, EP4 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

12. Before the development is first brought into use, two artificial bat roost features shall be installed integral to the fabric of the building, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. These shall thereafter be retained.

Reason: In the interests of enhancing biodiversity and to accord with the requirements of Policies in Chapter 11 of the National Planning Policy Framework.

13. Before the development is first brought into use, three woodcrete starling nest boxes shall be erected on mature trees within the site. The boxes shall be erected at least 3 metres from the ground above a clear stem with no branching. These shall thereafter be retained.

Reason: In the interests of enhancing biodiversity and to accord with the requirements of Policies in Chapter 11 of the National Planning Policy Framework.

14. Notwithstanding the details on the submitted plans, the landscaping scheme shown on drawings 0010/01-03 is not approved. An amended landscaping scheme shall be submitted and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme, including the formation of the parking spaces, shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years, with the exception of the parking spaces and other areas to be used by vehicles which shall be retained as such at all times in the future. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that a satisfactory alternative landscaping scheme is implemented as the formality of the proposed parterre garden would be historically inappropriate for that part of the curtilage of the Listed Building, in the interests of conserving and enhancing biodiversity, to ensure that landscaping works are carried out at the construction phase of the development, to ensure satisfactory parking provision is retained in the interests of highway safety and to accord with the requirements of Policy T10 of the Unitary Development Plan and the aims of Chapters 11 and 12 of the National Planning Policy Framework.

15. Notwithstanding the arboricultural method statement 12111/SR dated 18th March 2015, an updated arboricultural method statement reflecting the amended parking layout as shown on plans 0010/01-03 shall be submitted to and approved in writing by the Local Planning Authority before work commences on the parking spaces. Thereafter no works shall be carried out except in accordance with the approved method statement.

Reason: In the interests of the protection of mature and protected trees at the application site and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan and Policies in Chapter 11 of the National Planning Policy Framework.

16. The drainage scheme for the disposal of foul and surface water shown on the approved plan 2013/38/06 Rev B shall be implemented in accordance with the details shown before the development is first brought into use and thereafter retained. Before work commences on the car park, details of the proposed drainage arrangements for the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented before the parking spaces are first brought into use and thereafter retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being, to ensure that drainage arrangements are carried out at the construction phase of the development, and to accord with Policy BE1 of the Kirklees Unitary Development Plan and Policies the National Planning Policy Framework.

17. Before the development is brought into use all windows at first floor level in the northern side elevation of the development hereby approved have been fitted with obscure glazing, minimum grade 4. The obscure glazing shall be retained thereafter.

Reason: In the interests of the amenity of the occupiers of neighbouring properties and to prevent any detrimental overlooking from occurring and to accord with Policies D2 and BE12 of the Kirklees Unitary Development Plan and Policies within the National Planning Policy Framework.

18. The scheme of boundary treatments shown on the approved plan 0010/01 shall be implemented before the development is first brought into use and shall be retained thereafter.

Reason: In the interests of the amenity of the occupiers of neighbouring properties, the protection of the historic importance, visual appearance and setting of the Grade II Listed Building and to accord with Policies BE1, BE2, EP4 and EP6 of the Kirklees Unitary Development Plan and Chapter 12 of the National Planning Policy Framework.

19. The cycle parking facilities as shown on drawing 0010/01 and 0010/04 shall be provided before the development is first brought into use and thereafter retained.

Reason: To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 and the National Planning Policy Framework.

20. No part of the development shall be brought into use until a Full Travel Plan for the site, produced in accordance with the Framework Travel Plan by PAH Highway Consultants dated October 2016, has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring;
- The provision of travel Information;
- Implementation and review timescale; and
- Enforcement, sanctions and corrective/review mechanisms.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 and the National Planning Policy Framework.

21. Before the development is brought into use, a scheme of details for a site specific CCTV system and lighting scheme to monitor all car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and retained thereafter.

Reason: In the interests of ensuring that appropriate crime prevention measures are incorporated in the development and in accordance with Policy BE23 of the Kirklees Unitary Development Plan.

NOTE: Construction Hours: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours , Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to 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: Bats are unlikely to be using the building for roosting, although the building has roost features and is surrounded by good foraging habitat. There are, therefore no statutory constraints to the development but a series of measures are recommended as outlined below to avoid the risk of harm to bats or destruction of potential roost sites:

- Contractors working at the site should be made aware that there is always the possibility of bats being found during the development.
- The removal of roof tiles and other features under which bats might shelter should be removed with care by hand. Roof tiles should be lifted.
- During the active season (March to October), bats may take up residence in suitable locations, including new buildings before work is completed. Contractors should be made aware of this.
- If bats are found, then work must cease immediately and the advice of a licensed bat worker sought.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Clearance of vegetation and the start of building works should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Landscaping scheme	0010/01		16-Nov-2016
Planting plan	0010/02		16-Nov-2016
Plan showing tree removal	0010/03		16-Nov-2016
Landscaping details	0010/04		16-Nov-2016
Appendix 4 – Tree protection plan			16-Nov-2016
Proposed ground floor plan	2013/38/06	B	23-Jan-2017
Proposed first floor plan	2013/38/07	A	16-Nov-2016
Proposed elevations B-H	2013/38/08	B	23-Jan-2017
Proposed elevations J-M	2013/38/09	A	16-Nov-2016
Block plan	2013/38/10	B	16-Nov-2016
Transport Statement and Travel Plan Framework	899D		16-Nov-2017
Noise Impact Assessment revised 11th October 2016	S&D Garritt Ltd.		16-Nov-2017
Bat survey and report	11785b/DR		16-Nov-2017
Tree Survey	4845		16-Nov-2017
Access improvement details (PAH Highway Consultants)	B99C 01	C	16-Nov-2017
Design & Access / Heritage Statement			16-Nov-2017

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. The case officer undertook negotiations with the applicant to secure amended plans reducing the scale of the gymnasium extension to ensure that it would not give rise to an adverse impact on the occupants of the neighbouring residential property.

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.

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: 09-Feb-2017

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 2016/62/93797/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
