



**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: 2021/62/90060/W**

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**To:** Steve Mitchell,  
Colne Valley Design  
8, Meadow Lane  
Slaithwaite  
Huddersfield  
HD7 5EX

**For:** Colne Valley Design

**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:-**

FORMATION OF RETAIL UNIT FOR THE SALE OF SANDWICHES AND  
BAKERY GOODS (WITHIN A CONSERVATION AREA)

**At:** ADJ, 9, STATION ROAD, MARSDEN, HUDDERSFIELD, HD7 6BS

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**In accordance with the plan(s) and applications submitted to the Council on  
22-Jan-2021, 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 specification 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, LP13, LP16, LP20, LP21, LP24, LP27, LP35, LP47 and LP52 of the Kirklees Local Plan and Chapters 7, 8, 12, 13, 15 and 16 of the National Planning Policy Framework.

3. The building hereby approved shall be constructed from coursed stone with a stone slate tiled roof. The development shall thereafter be retained with this material and finish.

**Reason:** In the interests of visual amenity and heritage, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework and Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the details submitted as part of the supporting statement, the use hereby approved shall not be operated outside of the hours 08:00 to 18:00 everyday and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on a Sunday or a Bank Holiday.

**Reason:** In the interests of the protection of the amenity of surrounding residential properties from noise and disturbance at unsocial hours and to accord with Policies LP16, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Before any food cooking commences, other than reference to house of operation the domestic kitchen extract system as specified in the section titled 'Environmental Health' of the submitted document titled 'Response to consultee comments made on planning application for food outlet at former Swan public house, Station Road Marden' (dated 29/03/21) shall be installed and operational. The kitchen extract system shall thereafter be retained and operated at all times during the preparation and cooking of food and maintained in accordance with the manufacturer's instructions and as detailed in the submitted document.

**Reason:** To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall be operated in accordance with the mitigation measures outlined within paragraph 3.1 of the Flood Risk Assessment (dated January 2021) and such measures shall be retained thereafter.

**Reason:** To minimise risks to future occupants arising from flooding of the site, and to accord with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained whilst ever it remains in situ.

**Reason:** In the interests of the amenity of neighbouring occupiers and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims National Planning Policy Framework.

8. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the building/site shall be restricted to those falling within use class E(B) of Part A of Schedule 2, of the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted at the site.

**Reason:** For the avoidance of doubt as to what is being approved by this permission and to ensure that the development would have an acceptable impact on highway safety and residential amenity, in accordance with Policy LP21, LP24 and LP52 of the Kirklees Local Plan and the aims National Planning Policy Framework.

**NOTE:** Noisy construction related activities shall not take place outside the hours of: • 08:00 to 18:00hrs Mondays to Fridays • 08:00 to 13:00hrs 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.

**NOTE:** Kirklees Food Initiatives and Nutrition Education (FINE) Project can offer FREE one-to-one support and consultancy or specific masterclasses (minimum number of businesses required) to fast food take-aways across Kirklees to enable them to assess where they can make improvements and implement positive change within their business. Requests for support to: Kirklees FINE Project 01484 221000 (ask for FINE Project) or email: [fine.project@kirklees.gov.uk](mailto:fine.project@kirklees.gov.uk)

**NOTE:** It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).

Plans and specifications schedule: -

| <b>Plan Type</b>                                                | <b>Reference</b>  | <b>Version</b> | <b>Date Received</b> |
|-----------------------------------------------------------------|-------------------|----------------|----------------------|
| Flood risk assessment                                           | Dated Jan 2021    | -              | 22nd January 2021    |
| Design, access and heritage statement                           | Dated Jan 2021    | -              | 22nd January 2021    |
| Response to consultee comments                                  | -                 | -              | 6th April 2021       |
| Sequential test for main town centre use                        | Dated August 2021 | -              | 6th September 2021   |
| Sequential test for flooding                                    | Dated August 2021 | -              | 6th September 2021   |
| Location plan and proposed site plan, floor plan and elevations | SW 02 B.          | -              | 6th September 2021   |

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. In this instance, officers have entered into discussions with the agent and therefore various additional information has been sought.

**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.

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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 18-Oct-2021

**Signed:**



**David Shepherd**  
**Strategic Director Growth and Regeneration**

#### **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 2021/62/90060/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:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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