



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/93351/W

To: **Jacqueline Mo,
Studio J Architects Ltd
35, The Junction
Charles Street
Horbury
WF4 5FD**

For: J Tahany

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 DECKED AREA, ERECTION OF BALUSTRADES TO BOUNDARIES TO PROVIDE OUTDOOR SEATING AREA (WITHIN A CONSERVATION AREA)

At: **HOOLEY HOUSE, 1 , CONCORD STREET, HONLEY, HOLMFIRTH, HD9 6AE**

In accordance with the plan(s) and applications submitted to the Council on 26-Aug-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 specifications schedule listed in this decision notice, including the retention of the bin storage area to the north of the building shown on drawing no. 615-004 Rev A, 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, in the interests of visual and residential amenity, to retain the significance of Honley Conservation Area, in the interests of highway safety and to accord with the aims of Policies LP20, LP21 LP24(a&b), LP16, LP35, LP52 of the Kirklees Local Plan, Policies 1, 2 and 8 Of the Holme Valley Neighbourhood Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

3. The raising of the existing highway boundary wall, to the extent shown on the approved plan 615-004 Revision A, shall be wholly completed in accordance with the approved plans before the decked area hereby approved is first brought into use and shall be thereafter retained as such. All new walling shall be constructed as dry natural stone walling with mortared copings. The natural stone used in the new and extended wall, including copings, shall in all respects match the natural stone used on the existing highway boundary wall.

Reason: In the interests of the safety of future users of the decked area and reducing the risk of road traffic accidents on the highway adjacent to the site, in the interests of visual amenity and to ensure that the development conserves the significance of the Honley Conservation Area, and to accord with the aims of Policies LP16(e), LP21, LP24 and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Plan and Chapter 12, paragraph 130(f) and Chapter 16 of the National Planning Policy Framework.

4. The outdoor areas within the site, including, but not restricted to, the proposed decked area, shall not be used for seating, dining or gathering associated with the bar / restaurant outside the hours of 08:00 to 21:00 on any day of the week.

Reason: In the interests of the protection of the amenity of nearby residential properties from noise and disturbance at unsocial hours and in accordance with the aims of Policies LP16(b), LP24(b) and LP52 of the Kirklees Local Plan, Policy 8 of the Holme Valley Neighbourhood Plan and Chapter 15 of the National Planning Policy Framework.

5. Before the development hereby approved is first brought into use, an updated Noise Mitigation Plan further to the E2 Consultants Measure of Environmental Noise document reference 9547-2 dated 12 August 2019 approved through planning permission reference 2019/91935 which includes, inter alia, details on collection and disposal of glass bottles and delivery of supplies, shall be submitted to and approved in writing by the Local Planning Authority. The additional information shall detail methods of reducing or preventing noise arising from the following:

- Noise from customers using the decked area, including customers leaving the premises, and
- Removal of waste from the premises

The site, including the bar / restaurant, proposed decked area and other external areas within the site shall thereafter operate in full accordance with the updated approved Noise Mitigation Plan.

Reason: In the interests of the protection of the amenity of nearby residential properties from noise and disturbance and in accordance with the aims of Policies LP16(b), LP24(b) and LP52 of the Kirklees Local Plan, Policy 8 of the Holme Valley Neighbourhood Plan and Chapter 15 of the National Planning Policy Framework.

6. No installation of external artificial lighting shall take place at the site outlined in red on plan 615-002 Revision A until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority, including the location and specification of all of the luminaires. The installation and subsequent operation of any external artificial lighting shall be in accordance with the approved scheme.

Reason: In the interests preventing harm to the local environment and visual amenity arising from light spill, light trespass and glare, and to accord with the aims of Policies LP24(a) and LP52 of the Kirklees Local Plan, Policy 8 of the Holme Valley Neighbourhood Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|----------------------------------|------------------|----------------|----------------------|
| Application form | | | 23-Aug-2021 |
| Plans and elevations as existing | 615-002 | A | 27-Aug-2021 |
| Plans and elevations as proposed | 615-004 | A | 11-Nov-2021 |
| Heritage statement (amended) | | | 28-Jan-2022 |

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 removing the canopy and replacing the glass balustrades with stone wall balustrade in the interests of visual amenity and of ensuring that the development would conserve the Honley Conservation Area.

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

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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: 16-Feb-2022

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, and by clicking on the 'search planning applications and decisions' and by searching for application number 2021/62/93351/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
