



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/92015/W

To: John Cummins
MTPC My Town Planning Consultancy
9, Astley Hall Drive
Ramsbottom
Bury
BL0 9DF

For: Paul Robinson, D and LS Developments 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:-**

VARIATION CONDITION 15 (HOURS OF USE) ON PREVIOUS PERMISSION
2017/91888 FOR CHANGE OF USE, ALTERATIONS AND EXTENSIONS TO
FORMER MILL BUILDINGS TO FORM MIXED USE DEVELOPMENT
COMPRISING OF FOOD MANUFACTURING, COOKERY SCHOOL, CAFE,
SHOP, RESTAURANT, COOKING DEMONSTRATION/TASTING AREAS AND
MANAGEMENT OFFICES/SUITE. OUTDOOR SEATING AREAS, SERVICE
YARD, PARKING AND ASSOCIATED LANDSCAPING WORKS

At: DEVOUR, WOODLANDS MILL, LUKE LANE, THONGSBRIDGE,
HOLMFIRTH, HD9 7TB

**In accordance with the plan(s) and applications submitted to the Council on
13-Jun-2022 [together with those plans and application(s) submitted to the
Council on 15-Jun-2017 and incorporated into planning permission 2017/91888
granted on 21-Dec-2017] and subject to the condition(s) specified hereunder:-**

1. 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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 & LP52 of the Kirklees Local Plan and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

2. The external facing and roofing materials shall be in accordance with those set out within the letter sent by the Local Planning Authority dated 14th March 2018 submitted as part of application 2018/90205 and retained thereafter.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Green Belt and local area and to accord with Policy LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

3. The cycle storage shall be in accordance with those set out within the letter sent by the Local Planning Authority dated 14th March 2018 submitted as part of application 2018/90205 and retained thereafter.

Reason: In the interests of encouraging sustainable transport options, due to no vehicular parking being provided by the development and to accord with Policies LP20, LP22 and LP22 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

4. The ecological design strategy shall be in accordance with that set out within the letter sent by the Local Planning Authority dated 25th June 2018 submitted as part of application 2018/90205 and retained thereafter.

Reason: To provide sufficient detail to enable the implementation of ecological mitigation and enhancement measures that have been specified in the ecological information supporting the application, to mitigate against the loss of protected trees by the development and to ensure the proposal accords with policy LP30 of the Kirklees Local Plan, policies within the Holme Valley Neighbourhood Development Plan and policies within Chapter 15 of the National Planning Policy Framework.

5. The containment, control and removal of Japanese Knotweed and Himalayan Balsam shall be in accordance with those set out within the letters dated 28th May 2019 and 12th July 2018 submitted as part of application 2018/90205. And retained thereafter.

Reason: To remove these species from within the site, as ecological enhancement, and prevent their spread into the wider environment as a result of construction activity, and to ensure the proposal accords with policy LP30 of the Kirklees Local Plan, policies within the Holme Valley Neighbourhood Development Plan and policies within Chapter 15 of the National Planning Policy Framework.

6. The hereby approved development shall operate in accordance with the following hours of use:

Northern Building: 0900 to 2300 any day of the week

Southern Building: 1000 to 2230 any day of the week

Deliveries or dispatches to or from the site:

0730 to 2000 Monday to Friday,
0800 to 1800 Saturdays and
No deliveries Sundays and Bank Holidays

Reason: So as not to detract from the amenities of nearby residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

7. Before the installation of any external plant such as air condition units, cooling units etc at the site outlined in red on the hereby approved plan Dwg. No. 3124(OS)01, details of said plant shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall set out the need for the additional plant, its siting, appearance and the predicated noise levels that would be generated through its operation. The additional plant shall thereafter operate in accordance with the approved details and be maintained and in accordance with the manufacturer's recommendations.

Reason: In the interests of the protection of residential amenity from any adverse noise arising from the operation of the development and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

8. Notwithstanding the details set out on plan Dwg. No. 3124(0-)-120 Rev E the southern building shall not be brought into use until all windows in the north-eastern elevation of the southern building have been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.

Reason: In the interests of the protection of residential amenity of the occupiers of the adjacent Royds Mill and to prevent unacceptable overlooking and to accord with Policies LP24 of the Kirklees Local Plan, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

9. All electric vehicle charging infrastructure shall be in accordance with that set out within the letter dated 14th March 2018 submitted as part of application 2018/90205 and retained thereafter.

Reason: To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with the guidance contained the National Planning Policy Framework and to accord with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan.

10. Within the site outlined in red on the hereby approved plan Dwg. No. 3124(OS)01, A1 (retail) floorspace shall not exceed a total of 250 square metres of the development.

Reason: In the interests of highway safety, to ensure that the site operates in accordance with assumptions set out in the submitted transport assessments and to protect the vitality and viability of Holmfirth Town Centre, and to accord with Policies LP13 and LP21 of the Kirklees Local Plan and Policies in Chapter 2 of the National Planning Policy Framework.

11. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main which crosses the site.

Reason: To ensure the water main can be properly maintained in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

12. The applicant shall sign up to the Environment Agency's flood warning system 'Floodline Warnings Direct'.

Reason: In the interests of providing sufficient flood warnings for the future occupiers and to accord with the requirements of Policy LP27 of the Kirklees Publication Local Plan and Policies in the National Planning Policy Framework.

13. The development hereby approved shall be undertaken in accordance with the measures set out within the submitted document titled 'Restaurant Noise Management Plan' received on 23rd September 2024.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure the development has an acceptable impact upon the amenity of neighbouring occupiers as a result of noise to accord with policy LP52 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

NOTE –Food Warning System: The Environment Agency's flood warning system can be signed at online at <https://www.gov.uk/sign-up-for-flood-warnings> or by calling 0345 988 1188.

NOTE – Hours of Constriction: 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 13.00 hours, 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 – Works within the Highway: 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 (Kirklees Street Scene: 01484 221000) 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 - Footpath: Holmfirth public footpath 50 is a public highway and consent from the local highway authority should be sought prior to any works to the public footpath. No authority is given by planning consent for works affecting the public footpath. Separate consent from the local highway authority would be required.

The development may require the temporary closure by formal legal order of public footpath Holmfirth 50, by separate application and process with separate fees. Further details from the council's Streetworks Unit at Flint St, Huddersfield or by email tma.permits@kirklees.gov.uk

NOTE – Environmental Permit: This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Holme, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but you are reminded that works should not commence until the permit is granted.

NOTE - Flood Resilient Construction: It is recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

NOTE – Advice on Flooding: Additional guidance can be found in our Flood line Publications. A free copy of these is available by telephoning 0345 988 1188 or can be found on our website <https://www.gov.uk/topic/environmental-management/flooding-coastal-change>

Reference should also be made to the Department for communities and local Government publication 'Prepare your property for flooding' please go to: <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

NOTE – Food Safety: 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 226452.

Plans and specifications schedule:-

Plan / Document Type	Reference	Revision	Date Received
Noise Assessment dated 10th June 2022	-	-	13th June 2022
Planning Statement			13th June 2022
Addendum to Noise Impact Statement			27th July 2022
Restaurant Noise Management Plan			23rd September 2024

Plan / Document Type submitted as part of application 2017/91888	Reference	Revision	Date Received
Location Plan	3124(OS)01	-	15/6/2017
Workshop plans and elevations as existing	3124(0-)11	-	15/6/2017
Existing site sections	3124(0-)07	-	15/6/2017
Dyehouse plan and elevations as existing	3124(0-)10		15/6/2017
Floor plans as existing	3124(0-)02	-	15/6/2017
Site plan as existing	3124(0-)01	-	15/6/2017
Topographic survey	7408/1	-	15/6/2017
Overall Masterplan as proposed	3124(0-)100	D	10/11/2017
Proposed Elevations 1-3	3124(0-)120	E	10/11/2017
Proposed Elevations 4- 7	3124(0-)121	E	10/11/2017
Proposed Elevations 8-10	3124(0-)122	R	10/11/2017
Ground Floor Site Plan as proposed	3124(0-)101	C	7/11/2017
Level 0 – Plan as proposed	3124(0-)110	H	7/11/2017
Level 1 – Plan as proposed	3124(0-)111	G	10/11/2017
Level 2 – Plan as proposed	3124(0-)112	E	10/11/2017
Level 3 – Plan as proposed	3124(0-)113	C	10/11/2017

Plan / Document Type submitted as part of application 2017/91888	Reference	Revision	Date Received
Proposed Access and Visibility Plan	9863/003	-	7/11/2017
Design and Access Statement	3124 May 2017	-	15/6/2017
Planning Policy Statement	-	-	15/6/2017
Retail Sequential Assessment	-	-	15/6/2017
Devour Business Plan	-		
Arboricultural Survey	May 2017 940-02 Luke Lane, Thongsbridge, Holmfirth	-	15/6/2017
Arboricultural Method Statement	May 2017 940-02 Luke Lane, Thongsbridge, Holmfirth	-	15/6/2017
Bat, Otter and Water Vole Surveys	940-05 September 2017	-	8/9/2017
Preliminary Ecological Appraisal	March 2017 940-01a Luke Lane, Thongsbridge, Holmfirth	-	15/6/2017
Ecology Covering Note	940-210917-TF/NW	-	22/9/2017
Ecology Statement	-	-	16/10/2017
Phase 1 Desktop Contaminated Land Study Report	16-1086	-	15/6/2017
Flood Risk and Drainage Assessment	R4692	-	15/6/2017
Transport Statement	9863//001/05	-	8/9/2017
Additional Transport Statement 1	9863-004	-	7/11/2017
Additional Transport Statement 2	9863-004	-	10/11/2017

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

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 Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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/appeal-planning-decision>. 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: 14-Oct-2024

Signed:



David Shepherd
Executive Director for 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 and view existing planning applications and decisions' and by searching for application number 2022/70/92015/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
