



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/70/91542/W

To: Sarah Greenwood,
Hinchliffe Architecture & Design Ltd
24, Carr View Road
Hepworth
Holmfirth
HD9 1HX

For: G & R Bowden, Holmfirth Fresh Fish

**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 2 (PLANS AND SPECIFICATIONS), 9 (DRAINAGE)
ON PREVIOUS PERMISSION 2021/93059 FOR DEMOLITION OF EXISTING
INDUSTRIAL UNIT AND ERECTION OF NEW INDUSTRIAL UNIT WITH USE
CLASSES E(G)(III), B2 AND B8 USE (FLEXIBLE PLANNING PERMISSION)**

At: HOLMFIRTH FRESH FISH, BERRY BANK LANE, HOLMFIRTH, HD9 7LN

**In accordance with the plan(s) and applications submitted to the Council on 08-
Jun-2023 [together with those plans and application(s) submitted to the Council
on 10-Aug-2021 and incorporated into planning permission 2021/93059 granted
on 10-Mar-2022] and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun no later than 9th March 2025.

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.

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 LP3, LP7, LP8, LP13, LP20, LP21, LP22, LP24, LP28, LP30, LP43, LP51, LP52 and LP53 of the Kirklees Local Plan, Policies 1, 2, 7, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Chapters 6, 7, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The external materials used in the construction of the building shall be in full accordance with the Materials Schedule approved under application 2022/93623 for discharge of conditions and the building shall thereafter be retained as such.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework.

4. The details contained within the Sustainability Statement, SBEM Calculations – Part L2 Compliance Assessment, and BRUKL Output Document approved under application 2022/93623 for discharge of conditions shall be incorporated into the development before it is first brought into use and retained as such thereafter.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies LP51 and LP52 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

5. A bat box and a bird box shall be incorporated into the approved building; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and located at least 3 metres above ground level. The bat box and bird box shall be provided prior to first occupation of the building and thereafter retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.

6. The refuse/bin store details as shown on: drawing no. 037-21-BR01 Revision A – Proposed Site Plan; drawing no. 037-21-BR05 – Proposed Close Boarded Fencing Detail to Bin Store, as approved under application 2022/93623 for discharge of conditions shall be provided prior to the first use of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and residential amenity, 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 Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to first occupation of any of the unit hereby approved, an electric vehicle recharging point shall be installed at one of the provided parking spaces as shown on Drawing No. 037- 21-PL01 Revision C received on 8th March 2022. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan, Policies 11 and 13 of the Holme Valley Neighbourhood Development Plan and Chapters 9 and 15 of the National Planning Policy Framework.

8. The unit hereby approved shall not be brought into use until all areas to be used for parking, turning and vehicular access as shown on Drawing No. 037-21-PL01 Revision C received on 8th March 2022, have been surfaced and laid out. Thereafter the parking spaces shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

9. Prior to the first use of the building hereby approved, a surface water drainage scheme shall be carried out in strict accordance with the 'Surface Water Drainage Strategy' section (section 5) of the revised 'Drainage Strategy' dated July 2021, Revised August 2022 by JNP Group Consulting Engineers (ref – B24578-JNP-XX-XX-RP-C-0001 P02 & B24578 JNP XX XX DR C 2001 P03) and Foul Water Drainage Strategy in section 6 of the aforementioned documents. The surface water drainage scheme shall thereafter be retained in accordance with the approved surface water drainage strategy.

Reason: To ensure that the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To protect the amenities of existing and future neighbouring residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 08:00 to 18:00 Monday to Friday, and 09:00 to 13:00 on Saturdays. No activities shall take place on Sundays or Bank Holidays.

Reason: To protect the amenities of existing and future neighbouring residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. Prior to the first operation of the site for the use hereby approved, a 2.4 metre high solid acoustic timber fence shall be installed to the southern end of the site in accordance Drawing No.037-21-PL01 Revision C received on 8th March 2022 and Paragraph 5.18 of the Noise Impact Assessment by Environmental Solutions Limited dated 9th December 2021 (ref: NIA/1009/21/10175/v1/BerryBankLane). Thereafter, the acoustic fence shall be retained.

Reason: To protect the amenities of existing and future neighbouring residents from noise and disturbance and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. There shall be no operation of plant or machinery on any outdoor part of the site (except vehicles, including forklift trucks). All openings within the building shall be fully shut when operating plant and machinery within the building hereby approved.

Reason: To protect the amenities of existing and future neighbouring residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

14. No display or storage of goods, materials, plant, machinery or equipment shall take place other than within the building(s) on the site.

Reason: In the interest of the visual amenities of the locality, in the interest of highways safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapter 2 of the National Planning Policy Framework.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Statement by Rogers Geotechnical Services Ltd dated September 2022 (ref; C2446/22/E/4492) approved under application 2022/93623 for discharge of condition. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered, in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

17. The external artificial lighting shall be installed in full accordance with the External Lighting Drawing (ref: 0002258753-EX-R0-251022 Revision R0) approved under application 2022/93623 for discharge of condition and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. The premises shall only be used for either E(g)(iii) use, B2 use or B8 use and for no other purpose (including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification).

Reason: To protect the vitality and viability, as well as the role and function of local, district and town centres, in the interest of highways safety, in the interest of residential amenity and in accordance with Policies LP13, LP24, LP21 and LP52 of the Kirklees Local Plan, Policies 2 and 11 of the Holme Valley Neighbourhood Development Plan and Chapters 7, 9, 12 and 15 of the National Planning Policy Framework.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			30th July 2021
Location plan	2123		18th February 2022
Proposed site plan and floor plan	037-21-PL03	C	8th March 2022
Proposed elevations	037-21-PL03	A	25th October 2021
Proposed site sections	037-21-PL03	A	25th October 2021
Noise Impact Assessment by Environmental Noise Solutions Limited dated 9th December 2021	NIA/10091/21/10175/v1/Berry Bank Lane		9th December 2021
Design and Access Statement by Hinchcliffe Architecture & Design dated 14.07.2021	037-21-R1		30th August 2021
Drainage strategy	B24578-JNP-XX-XX-RP-C-0001	P02	30-May-2023
Drainage strategy drawing	B24578 JNP XX XX DR C 2001	P03	08-Jun-2023

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. The case officer did not request any amended or additional plans as these were not deemed necessary.

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

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 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: 07-Dec-2023

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 and view existing planning applications and decisions' and by searching for application number 2023/70/91542/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
