



**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: 2023/62/92791/W**

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

**For:** M HAMILTON

**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:-**

CHANGE OF USE OF EXISTING COMMERCIAL SHOP (CLASS E) TO MIXED USE CAFE/WINE BAR WITH FORMATION OF RAISED OUTDOOR TERRACE AND ACCESS RAMP (WITHIN A CONSERVATION AREA)

**At:** 36, TOWN END, GOLCAR, HUDDERSFIELD, HD7 4QD

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**In accordance with the plan(s) and applications submitted to the Council on 28-Sep-2023, 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.

**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, in the interests of visual and residential amenity and to accord with the aims of Policies LP1, LP16, LP21, LP22, LP24, LP35 and LP52 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

3. The surface of the ramp, raised terraces, and all other new or replacement hard-surfaced areas shall be formed using natural stone flags or setts using stone of a type to closely match the existing stone setts on first installation and thereafter retained.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Golcar Conservation Area and to accord with the aims of Policies LP16(g), 24(a) and 35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. The proposed external steps shall be made of either natural ashlar stone or cast stone of a colour to harmonise closely with natural stone used in the vicinity of the site, in accordance with the details submitted on 29th February 2024, on first installation and thereafter retained.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Golcar Conservation Area and to accord with the aims of Policies LP16(g), 24(a) and 35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. All rails and railings installed as part of the development shall be given a factory-applied black finish before first installation (or shall be painted black within one month of the development's substantial completion) and thereafter retained as such.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Golcar Conservation Area and to accord with the aims of Policies LP16(g), 24(a) and 35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. The development hereby approved shall not be open to customers outside the hours of 0800 to 2300 on any day. Notwithstanding the foregoing, no customer shall be permitted to make use of the terrace or other external areas within the site after 2230 on any day.

**Reason:** To prevent harm to the amenity of occupiers of residential premises arising from noise at unsocial hours, and to accord with the aims of Policies LP16(b), LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of 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 Noise Impact Assessment (NIA) authored by Environmental Noise Solutions dated 28 September 2023 Ref NIA-11063-23-11279-v1.1 - a) shall be completed; and

b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** The submission of written evidence is required before the use commences, so as to ensure that amenity of occupiers of residential premises are protected from noise or disturbance arising from the proposed use, and to accord with the aims of Policies LP16(b), LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Before the development is brought into use the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB Dntw + Ctr. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** The submission of written evidence is required before the use commences, so as to ensure that amenity of occupiers of residential premises are protected from noise or disturbance arising from the proposed use, and to accord with the aims of Policies LP16(b), LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. 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 ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of LP16(b), LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

10. The development hereby approved shall be operated in full accordance with the measures specified within the Noise Management Plan from Hinchliffe Architecture & Design dated December 2023.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of LP16(b), LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. Before food cooking commences, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- i. A risk assessment for odour which considers the amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- ii. Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- iii. Details showing the proposed location of all the major components of the extract system.
- iv. The noise mitigation measures that will be incorporated into the extract system and details of the likely resulting noise levels that will be caused by the operation of the extract system, in particular the noise level at nearby noise sensitive locations.
- v. The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details. Any parts of the flue that are external to the building shall be given a factory-applied matt black finish before first installation and thereafter retained as such.

**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 LP16(b), LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. The cooking or serving of hot food shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to preparation or serving of hot food commencing and shall be retained throughout the lifetime of the development.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with LP52 of the Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. No outdoor lighting shall be installed within the site unless full details are first submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information: -

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

Lighting shall thereafter not be installed or operated other than in accordance with the approved details.

**Response:** To ensure that lighting does not give rise to loss of amenity to nearby residential premises, or harm to the amenity of the area, arising from glare, light spill or light trespass, and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Before the development is first brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of a closed-circuit television (CCTV) scheme and any other measures to protect the premises and its users from crime or antisocial behaviour. The approved scheme shall be installed and made operational before the development is first brought into use and thereafter retained as such and operated in accordance with the manufacturer's instructions.

**Response:** This information is required pre-commencement to ensure that the development and its users are adequately protected from crime and the fear of crime, and to accord with the aims of Policy 16(c) of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

15. Any external flue(s) installation pursuant to condition 11 shall be given a factory-applied black finish before first installation (or shall be painted black within one month of the development's substantial completion) and thereafter retained as such.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Golcar Conservation Area and to accord with the aims of Policies LP16(g), 24(a) and 35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

**Note:** Kitchen Extract Scheme

Detailed advice is available in "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" by EMAQ May 2022 (2nd Edition).

**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 22100 (ask for food safety) or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).

**Note:** Noise attenuation.

The developer is advised that, in order to comply with this condition, the written evidence will need to demonstrate that noise arising from customer or staff footfall on stairs within the building is suitably attenuated in addition to other sources of noise mentioned in the report.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			20-Sep-2023
Location plan	197-23-PL01		20-Sep-2023
Existing plans and elevations	197-23-PL02	a	21-Feb-2024
Planning & heritage statement			28-Sep-2023
Climate change statement			22-Sep-2023
Noise assessment	NIA-11063-23-11279-v1.1		20-Dec-2023
Noise management plan	Hinchliffe		20-Dec-2023
Plans and elevations as proposed	197-23-PL03	c	21-Feb-2024
Cast stone details			29-Feb-2024

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 undertook negotiations with the applicant to secure amended plans changing the scale and design of the terrace and an acoustic report that would assess all sources of noise, in the interests of ensuring that the development would conserve the character of the Conservation Area and residential amenity.

**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.

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk)

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

**Dated:** 04-Mar-2024

**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 2023/62/92791/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:** Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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