



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/93076/W

To: Freddie Garside,
One17 Architect & Interior Design
The Dyehouse
35, Armitage Road
Armitage Bridge
Huddersfield
HD4 7PD

For: RUMPUS ARTISAN BURGERS 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:-

EXTERNAL ALTERATIONS TO FORMER BANK BUILDING TO FORM RESTAURANT, INSTALLATION OF EXTRACT VENTILATION SYSTEM (CLASS EB) (WITHIN A CONSERVATION AREA)

At: FORMER LLOYDS BANK, 22, CARR LANE, SLAITHWAITE, HUDDERSFIELD, HD7 5AN

In accordance with the plan(s) and applications submitted to the Council on 22-Nov-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: To ensure compliance with 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 LP1, LP2, LP3, LP7, LP13, LP16, LP21, LP22, LP24, LP26, LP28, LP30, LP31, LP33, LP35, LP48, LP51 and LP52 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The development shall not be brought into use 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 first operation of the development 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 policy LP44 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, prior to the hereby approved development being brought into use, details of any replacement tree/hedge planting and landscaping, including timetable for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved tree/hedge planting and landscaping scheme shall be implemented in accordance with the agreed timetable and, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. All areas of soft landscaping approved by this condition shall be thereafter retained as soft landscaping for the lifetime of the development.

Reason: So as to ensure appropriately placed and managed replacement planting is provided and sufficiently managed, in the interest of visual amenity, to mitigate against the removal of existing planting at the site so as to comply with Policies LP24 and LP33 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

5. 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 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 not be brought into use until all works which form the sound attenuation measures as specified in the Noise Assessment authored by DRUK Limited dated 25 March 2024 Ref DRUK/ACC/RS/FGRBRCLS/3260 v3 shall be completed and thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. The development hereby approved shall not be brought into use until a Noise Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall detail the measures that will be undertaken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. The plan shall include a scheme to deal with noise from:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those at outside smoking areas and those leaving the premises
- closure of doors
- disposal of glass bottles
- outdoor equipment such as chillers, and air conditioning plant
- deliveries of supplies to the premises and removal for waste from the premises

The development hereby approved shall not be brought into use until the approved Noise Management Plan has been fully implemented. The approved plan shall be retained thereafter.

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 Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

8. The development hereby approved shall not be brought into use until details of a kitchen extract system have been submitted to, and approved in writing by, the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers 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.
- 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.
- Details showing the proposed location of all the major components of the extract system.
- 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.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations. (The applicant must ensure this aspect of the condition complies with the detail within the Noise Assessment authored by DRUK Limited dated 25 March 2024 Ref DRUK/ACC/RS/FGRBRCLS/3260 v3).

The development hereby approved shall not be brought into use until the approved extract system has been installed in accordance with the approved details. The extract system shall be retained thereafter.

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 policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

9. The external materials used within the hereby approved alterations to the existing parapet walls, provision of accessible toilet, and new chimney stack shall consist of local sandstone and pressed metal/GRP/single ply membrane. A scheme of the materials of construction of the walling stone and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority prior to their use. The development shall thereafter be undertaken in accordance with the details so approved which shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting of adjacent Listed Buildings and the Slaithwaite Conservation Area, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

10. The wrought iron railings shown to the north-western and southern-western boundaries, on hereby approved drawing no. 3564 (0-) 05 Rev B 'Proposed Elevations', shall in all respects match existing railings located along the eastern boundary of the site. The railings shall also be of a black colour finish to match BS 18-A-14 as shown in the British Standard Colour Chart.

Reason: In the interests of visual amenity and to preserve and enhance the setting and significance of the Slaithwaite Conservation Area and adjacent Listed Buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If Bats are found, then contact Natural England.

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

NOTE: No construction related noise should be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	17th October 2023
Existing Floor Plans	3564 (0-)01	-	17th October 2023
Existing Elevations	0356(0-)02	-	17th October 2023
Proposed Floor Plans	3564(0-)04	B	27th March 2024
Proposed Elevations	3564(0-)05	B	27th March 2024
Existing Site Plan	3564 (0-)06	-	23rd November 2023
Proposed Site Plan	3564(0-)07	A	27th March 2024
Existing Roof Plan	3564(0-)08	-	23rd November 2023
Proposed Roof Plan	3564(0-)09	A	27th March 2024
Section AA	3564(SK)10	-	16th January 2024
Canopies, Duct & Plant	19148-001	I	27th March 2024
Technical Note – Supporting Information	HDC/ENG/0124 FINAL	4	1st February 2024
Design & Access/ Heritage Statement – Supporting Information	3564	-	23rd November 2023
Climate Change Statement – Supporting Information	-	-	24th October 2023
Assessment of the Emission of Noise from the Proposed New Rumpus Restaurant to be Location within the Former Bank Premises at 22 Carr Lane, Slaithwaite – Supporting Information	DRUK/ACC/RS/FGRBRCLS/3260 v3	-	27th March 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Several amendments/alterations have been requested throughout the course of this application, these include removal of the originally proposed takeaway element due to highway concerns, further details on bin storage, alterations to the overall design of the scheme and the submission of an odour risk assessment and noise mitigation measures.

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.**

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.

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 so that we can work on continually improving our customer service. Thank you.

Dated: 05-Jul-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, and by clicking on the 'search planning applications and decisions' and by searching for application number 2023/62/93076/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
