



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/62/90021/W

To: Architecture & Interior Design Ltd
51, Coleshill Road
Hodge Hill
Birmingham
B36 8DT

For: BEEF IN HUDDERSFIELD 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:-

CHANGE OF USE FROM RETAIL SHOP (CLASS E) TO HOT FOOD TAKE-AWAY (SUI GENERIS) INSTALLATION OF REPLACEMENT SHOP FRONT AND EXTRACTION CANOPY TO REAR (LISTED BUILDING WITHIN A CONSERVATION AREA)

At: 26, JOHN WILLIAM STREET, HUDDERSFIELD, HD1 1BQ

In accordance with the plan(s) and applications submitted to the Council on 13-Feb-2025, 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP13, LP14, LP16, LP21, LP22, LP24, LP25, LP35, LP43, LP47, LP51 and LP52 of the Kirklees Local Plan, the Council's adopted Hot Food Takeaway Supplementary Planning Document (2022) and the policies within Chapters 2, 4, 6, 7, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. 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 is 10dB below the measured 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.

4. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. 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 to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further 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: 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.

5. 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:

- 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 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 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.

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Before food cooking commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

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

6. Development 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 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 LP43 of the Local Plan and paragraph 120 of the NPPF.

7. The development shall not be brought in to use until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing Management Plan shall include details of how servicing and deliveries to the premises will be made, how parking for both servicing and take-away collections will be managed to ensure parking restrictions on John William Street are observed and a mechanism for review of the Servicing Management Plan. The development shall thereafter be operated in accordance with the approved Servicing Management Plan.

Reason: To ensure that, having regard to its location and the restricted servicing facilities available, the site is not used in an over-intensive and inappropriate manner in order to protect the amenities of all other road users and in the interests of highway safety LP21 & LP22.

8. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the premises hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi) & LP43.

9. Deliveries, and collections of waste shall only be between 09.00 and 20.00 on Mondays to Fridays and 09:00 and 16.00 on Saturdays and at no time on Sundays and bank holidays

Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

10. The use hereby approved shall not take place outside the hours of: 11:00 to 23:00 hours Mondays to Sundays including Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

11. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The scheme shall include details of CCTV, including location, orientation, and type of camera, recording quality, image storage and frames per second. The approved scheme shall be implemented before the development is first occupied and retained thereafter.

Reason: To ensure that prior to the commencement of development safety and security measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 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: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: 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 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	06 January 2025
Block plan	2024-226	-	06 January 2025
Existing and proposed ground floorplan	2024-226-2	-	06 January 2025
Existing and proposed first floorplan	2024-226-3	-	06 January 2025
Existing and proposed front elevation	2024-226-4	RevC	04 April 2025
Existing and proposed rear elevation	2024-226-9	RevA	06 January 2025
Proposed canopy extraction and fresh air supply ventilation layout	C8425-M01	-	06 January 2025
Gen 01- Performance Maxfan 45 Exhaust Fan	-	-	06 January 2025
Gen 02 - Longar Type 14 Medium and High Efficiency Synthetic Bag Filters LR	-	-	06 January 2025
Gen 03 - Longar Type 11 Pleated Panel Filters LR	-	-	06 January 2025
Gen 04 - Longar Type 8 Activated Carbon Filter LR	-	-	06 January 2025
Gen 05 - Longar Type 4 Mesh Filter LR	-	-	06 January 2025
Gen 06 - Longar Type 2 Premium Baffle Filter	-	-	06 January 2025
Gen 07 - Jet Cowl Datasheet	-	-	06 January 2025
Gen 08 - AV - Male Bobbins (1)	-	-	06 January 2025
Gen 09 - AV – Hangers	-	-	06 January 2025
Gen 10 - 5 Purified Air ESP Technical and Operations Manual English - Lo Res	-	-	06 January 2025
Gen 11 - Noise Report	j5832a	-	06 January 2025
Gen 12 - Kitchen Ventilation Specification	-	-	06 January 2025
Gen 13 - Elta SEL Multiflow Fan	-	-	06 January 2025

Conservation / Heritage Statement	-	RevA	18 February 2025
Climate change statement			06 January 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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.

Officers had concerns in relation to the initial plans to the front façade and there was outstanding information in terms of materials.

It was illustrated to the applicant what amendments would be acceptable through the provision of details, materials and the placement of advertising signs.

Kirklees Planning Authority have recently published shop front guidance for the Huddersfield Town Centre Conservation Area which was forwarded to the applicant. Please note page 19 which relates to John William Street improvements.

<https://www.kirklees.gov.uk/beta/trees-listing-and-conservation/pdf/huddersfield-town-centre-conservation-area-shopfront-design-guidance.pdf>

The wider area is also currently being reviewed under the Heritage Lead Regeneration Scheme to repair or replace shopfronts on historic buildings. John William Street is within this scheme. Shopfronts of properties 11-35 John William Street have consent to replace signage, sympathetic to the historic environment. This too has been communicated to the applicant.

<https://kirkleestogether.co.uk/2023/06/12/improving-huddersfield-high-streets-kerb-appeal/#:~:text=pride%20among%20residents,-%2cThe%20Heritage%20Lead%20Regeneration%20Scheme%2crestoring%20and%20maintaining%20their%20properties>

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

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.

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.

Where 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: 10-Apr-2025

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 planning applications and decisions' and by searching for application number 2025/62/90021/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
