Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/62/92714/E

To: Henry Broadbelt,
MAS Design Consultants Ltd
1, Oxford Street
Guiseley
Leeds
LS20 9AX

For: M ELSTON

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:-

ALTERATIONS AND REFURBISHMENT OF GROUND FLOOR RESTAURANT/BAR, ALTERATIONS TO FIRST AND SECOND FLOORS TO FORM 5 APARTMENTS, ERECTION OF SECOND FLOOR EXTENSION AND CONSTRUCTION OF NEW ROOF (WITHIN A CONSERVATION AREA)

At: THE TIME PIECE, 11, NORTHGATE, DEWSBURY, WF13 1DS

In accordance with the plan(s) and applications submitted to the Council on 09-Oct-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 (as amended).

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 accord with Policies LP01, LP02, LP11, LP13, LP15, LP21, LP22, LP24, LP30, LP52 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide SPD and Policies within Chapters 2, 9, 12, 14, 15,of the National Planning Policy Framework.

3. Other than the area annotated 'Flat Bin Store' upon drawing 4477. 03.100RevA the use of the ground floor of the building hereby approved shall be for a use falling within Use Class E(b) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and/or as a public house, wine bar, or drinking establishment.
Reason: for the avoidance of doubt as to what is being authorised by this permission and to ensure the vitality of Dewsbury Town Centre to accord with policies LP13, LP14 and LP15 of the Kirklees Local Plan and policies contained within Chapter 7 of the National Planning Policy Framework.

4. The pitched roof of the development hereby approved shall be constructed from Welsh slate roof tiles which shall be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 & LP35 of the Kirklees Local Plan and policies within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

5. The external walls of the second floor rear extension shall be constructed from brickwork to match the brickwork used in the construction of the existing building. These materials of construction shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 & LP35 of the Kirklees Local Plan and policies within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

6. Before the development is brought into use, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic, commercial/licensed premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:
a) Determine the existing noise climate
b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be 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. 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.

8. Before the development is brought into use, a Noise Management Plan shall be submitted to and approved in writing, by the Local Planning Authority. The plan shall detail the measures that will be taken 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, but not limited to:

- music and/or other amplified sound at the premises loud voices from customers at the premises including those at outside areas (inc.smoking shelters) and those leaving the premises
- disposal of glass bottles

The approved Noise Management Plan shall be fully implemented before use commences and operated in accordance with the approved plan 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 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.

9. Prior to the installation of any kitchen extract and/or mechanical ventilation, details 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.
- The approved extract system shall be installed before food cooking commences 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.

10. Notwithstanding the submitted details, should any occupier of the ground floor premises carry out food preparation or dish washing activities that involve the use or disposal of fats, oils or grease, a scheme to prevent these substances from entering the drainage network shall be submitted to and approved in writing by the Local Planning Authority prior to such use commencing. The approved scheme shall be implemented and retained for the duration of the specific use.

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 LP44 of the Local Plan and Paragraph 120 of the National Planning Policy Framework 2024.

11. Before the development is brought into use, details of the management and maintenance of refuse storage areas by a designated private management company shall be submitted to and approved by the Local Planning Authority, including access for waste crews. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

12. Prior to commencement of the development hereby approved, details of the provision to be made for the number and size of vehicles expected during the development, parking, loading and unloading of contractors' plant and materials, the storage of building materials and the parking of the workforce during construction works shall be submitted to and approved in writing by the Local Planning Authority. The conversion and construction works shall be carried out in accordance with the approved scheme.
Reason: In the interests of highway safety and to accord with LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

13. Prior to the installation of any new or replacement doors and/or windows of the development hereby approved a scheme shall first be submitted to, and approved in writing by, the Local Planning Authority which details the following:
a) Schedule of all new and replacement doors and windows to be installed
b) product specifications
c) colour finish
d) 1:5 sections and 1:20 elevations showing their appearance and materials
Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policies LP24 and LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

14. Notwithstanding the plans submitted the development hereby approved 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 submitted scheme shall include details of the following measures:
a) Bicycle Stand design and certification rating
b) Provision of a video surveillance and/or Closed Circuit (CCTV) system
c) Provision of intruder alarms which meet the requirements of BS EN 50131 (Intrusion and hold-up systems) and EN 50136 (Alarm transmission systems and equipment).
d) Access control measures
e) Design of bin store enclosures including materials, height and locations
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.

15. Prior to commencement of development on the superstructure of the extension hereby approved, details of biodiversity enhancement measures in the form of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation of the development and thereafter retained.
Reason: In the interests of biodiversity mitigation and enhancement, in accordance with Policy LP30 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

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 Bank/Public Holidays

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-noise1consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: 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: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	M4477.03.001	-	29/09/2025
Proposed Site Plan	M4477.03.002	-	29/09/2025
Proposed Ground Floor Plan	M4477.03.100	A	19/11/2025
Proposed First Floor Plan	M4477.03.101	-	29/09/2025
Proposed Second Floor Plan	M4477.03.102	-	29/09/2025
Proposed Roof Plan	M4477.03.103	-	29/09/2025
Proposed East and West Elevations	M4477.03.200	-	29/09/2025
Proposed North and South Elevations	M4477.03.201	-	29/09/2025
Proposed Sections	M4477.03.300	-	29/09/2025
Proposed Streetscape Elevations	M4477.03.202	-	10/10/2025
Heritage Statement	M4477	-	08/10/2025
Climate Change Statement	-	-	08/10/2025
Application Form	-	-	29/09/2025

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

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 speeder 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.**

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:
Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -
https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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: **03-Dec-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 2025/62/92714/E .

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
