

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/91132/W

Site Address: Fix It Supplies, 12b, Hillhouse Lane, Fartown,
Huddersfield, HD1 6EF

Description: Erection of two storey side extension to form enlarged
Class A1 shop at ground floor with office unit and
residential flat above

Recommending Officer: William Simcock

DECISION – conditional full permission

**I hereby authorise the approval of this application for the reasons set
out in the committee decision authorisation annexed below in respect of
the above matter.**

Teresa Harlow

AUTHORISED OFFICER

Date: 30-Nov-2017

Decision Authorisation – Committee Decision

Committee: HUDDERSFIELD SUB

Date of Committee: 23-Nov-2017

Application Number: 2017/91132

Officer Recommendation: REFUSE

Committee Decision: CONDITIONAL FULL PERMISSION

Conditions and Reasons

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, and to accord with Policies D2, BE1 and BE2 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

3. Notwithstanding the details on the application form and approved plans, both the existing and proposed parts of the elevation fronting Hillhouse Lane, and those elevations visible from Bradford Road, shall all be faced in coursed natural stone of a type to match the stonework used on buildings in the vicinity of the site before any part of the extension is first brought into use.

Reason: To ensure that the development harmonises with its surroundings and to accord with the aims of Policies BE1-BE2 and BE11 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. The roofing materials shall be flat profile concrete tiles.

Reason: To ensure that the development harmonises with its surroundings and to accord with the aims of Policies BE1-BE2 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

5. The spaces for the parking of vehicles shown on the approved plan shall be kept clear of all obstructions and available for use by vehicles at all times.

Reason: To ensure that there is sufficient parking space to serve the development and to accord with the aims of Policies T10 and T19 of the

Unitary Development Plan and Policies PLP 21 and 22 of the Publication Draft Local Plan.

6. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

Reason: To identify and remove potential threats to the environment and human health, and to accord with the aims of Chapter 11 of the National Planning Policy Framework and Policy PLP 53 of the Publication Draft Local Plan.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

Reason: To identify and remove potential threats to the environment and human health, and to accord with the aims of Chapter 11 of the National Planning Policy Framework and Policy PLP 53 of the Publication Draft Local Plan.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To remove potential threats to the environment and human health, and to accord with the aims of Chapter 11 of the National Planning Policy Framework and Policy PLP 53 of the Publication Draft Local Plan.

The details specified in conditions 6-8 are required pre-commencement to ensure that there is no danger of pollutants being released during the digging of the foundations.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To remove potential threats to the environment and human health, and to accord with the aims of Chapter 11 of the National Planning Policy Framework and Policy PLP 53 of the Publication Draft Local Plan.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the development shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To remove potential threats to the environment and human health, and to accord with the aims of Chapter 11 of the National Planning Policy Framework and Policy PLP 53 of the Publication Draft Local Plan.

11. Before work on the superstructure of the extension commences, a report specifying the measures to be taken to protect the new dwelling from noise from Bradford Road and Halifax Old Road shall be submitted to and approved in writing by the Local Planning Authority. The report shall (i) Determine the existing noise climate (ii) Predict the noise climate in bedrooms and other habitable rooms of the dwelling (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residence (including ventilation if required). All works specified in the approved report shall have been carried out in full before the new dwelling is first occupied and such works shall be thereafter retained.

Reason: To ensure that future residents of the flat do not suffer loss of amenity arising from noise and to accord with the aims of Policy EP4 of the Unitary Development Plan and Policy PLP 52 of the Publication Draft Local Plan.

12. A minimum of one electric vehicle recharging point shall be installed within the dedicated parking area for the site before the proposed extension is first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point(s) so installed shall thereafter be retained.

Reason: In accordance with government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 10 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policy PLP24 of the Publication Draft Local Plan so as to promote infrastructure which encourages modes of transport with low impact on air quality.

NOTE: Noise report. A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

NOTE: Construction Noise. 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.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: There is the potential for a bat roost to 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 intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. 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 discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Summary of Committee Decision

Approved contrary to recommendation. Condition to be attached requiring road elevations to Bradford Rd and Hillhouse Lane to be constructed of natural stone.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			31-Mar-2017
Location plan, existing site plan, layout and elevations	01	A	31-Mar-2017
Proposed plans and elevations	2017 01	C	03-Apr-2017
Design and access statement			31-Mar-2017
Bat survey report (08-	Middleton Ecological		31-Mar-2017

Plan Type	Reference	Version	Date Received
Jan-2015)	Consultancy		
Mining investigation report (May 2015)	551079MI		31-Mar-2017
Land Registry Information			24-Aug-2017
Additional justification statement	Malcolm Sizer Planning Limited		25-Jul-2017

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 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 clarifying the proposed parking arrangements.

Report Dated: 30-Nov-2017