KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2018/44/92708/W
Site Address:	Land Off, Lindley Moor Road, Huddersfield, HD3 3TD
Description:	Discharge conditions 3, 4, 5, 8, 10, 11, 12 on previous permission 2018/90074 for erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping.
Recommending Officer:	John Ritchie

DECISION – Discharge of Condition- Split Decision

I hereby authorise the Split Decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 01-Oct-2019

2018/92708 - Officer Report

This application relates to planning permission for the erection of a motor dealership at land off Lindley Moor Road, Huddersfield – 2018/90074. The application seeks to discharge planning conditions as follows:

3. Prior to development commencing samples of the proposed roofing and walling materials shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented using the agreed materials.
***Reason:** In the interests of visual amenity and to accord with Policies BE1and BE2 of the Kirklees Unitary Development Plan.*

Assessment

No details of the proposed materials have been submitted therefore the condition cannot be discharged. This can be addressed under the current application and a fresh application and fee will not be required. However, an appointment should be made to inspect the samples at this office within three weeks from the date of this letter.

4. Details of the boundary treatments shall be submitted for the approval of the Local Planning Authority. The agreed boundary treatments shall be implemented and complete prior to the first occupation of the development hereby permitted and shall be maintained thereafter
***Reason:** In the interest of visual amenity, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.*

Assessment

The submitted details show the following:

- 1.8 metre high black coloured paladin fencing enclosing the whole site.
- Gabion walling internal parallel to the northern boundary to Lindley Moor Road

Given the commercial nature of this building and its forecourt it is considered that the proposed treatment is acceptable subject to tretmentof the gabion walling.

5. Within 3 months of the date of this permission a detailed landscape scheme shall be submitted for the written approval of the Local Planning Authority. The agreed landscaping shall be implemented during first planting season following the completion of the approved buildings. The approved scheme shall be maintained for a period of 5 years from the completion of the planting works. Any specimens that die within this period shall be replaced.
***Reason:** In the interests of visual amenity and to accord with the Policies BE1 and BE2 of the Kirklees Unitary Development Plan.*

Assessment

The submitted details show minimal landscaping. The site is part of a larger area at Peat Ponds. The Lindley Moor masterplan provides for a green infrastructure framework throughout and across the site and the planted buffer zone to the front of the site adjacent to the road and linking neighbouring landscaped areas. The buffer is also shown as Green Corridor on the Unitary Development Plan. In such circumstances detailed planting is required in this area.

8. Development shall not commence until a scheme detailing the following highways works, including the relevant Stage 1, 2 or/and 3 Road Safety Audits (ref: CIHT guidelines on Road Safety Audit (2008)) has been submitted to and approved in writing by the Local Planning Authority:

- *Formation of a priority site access junction with Lindley Moor Road in accordance with the principles set out in 2014/91316 and application drawing M1112 – A -111 ref F dated September 2017;*

The development shall not commence until schemes for the above have been approved and shall not be occupied until all the works are complete in accordance with the approved scheme. These works shall thereafter be retained for the lifetime of the development.
***Reason:** In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan*

Assessment

The highways officer has confirmed that there is a signed s278 Agreement in place and this is sufficient to discharge the condition.

10. Before the development is first occupied details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.
***Reason:** To accord with the guidance contained in part 4 of the National Planning Policy Framework part 4 "Promoting sustainable transport".*

Assessment

The Pollution & Noise Officer considers that there is insufficient numbers and details of charging points. The submission is for 6 points with no details of the type of charging point to be provided. Eleven charging points are required in accordance with the West
Yorkshire Low Emission Strategy Planning Guidance. The applicant has provided a revised plan and specifications which have been discussed with and suggested to be amended by the P&NO.

11. Notwithstanding the submitted details a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the

operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.
The scheme should include the following information:-

- *The proposed design level of maintained average horizontal illuminance for the site.*
- *The predicted vertical illuminance that will be caused by lighting when measured at*
- *windows of any properties in the vicinity.*
- *The proposals to minimise or eliminate glare from the use of the lighting installation*
- *The proposed hours of operation of the lighting*

To reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the " Guidance Notes for the Reduction of Light Pollution" produced by the Institution of Lighting Engineers (telephone 01788 576492).
The approved details shall be completed prior to the approved development first coming into use.
***Reason:** In the interests of visual amenity**,** and to accord with the guidance contained within part 8 of the National Planning Policy Framework "Promoting healthy communities".*

Assessment

The submitted details have been reviewed by the Pollution & Noise officer and considered to be satisfactory.

12. A detailed scheme identifying security and crime prevention measures across the site, shall be submitted for the written approval of the Local Planning Authority. The agreed scheme shall be implemented prior to the approved development being brought into use.
***Reason:** To accord with Policy BE23 of the Kirklees Unitary Development Plan, and the guidance contained in part 8 of the National Planning Policy Framework "Promoting healthy communities".*

Assessment

The submitted details have been the subject of consultation with the Police Architectural Liaison Officer with no response. The proposals are for external lighting, security fencing, entrance bollards, CCTV and alarms. This is considered to be acceptable.

Decision text

Condition 3 (Materials)

Your covering letter states that samples of the materials will be delivered to the office however, in their absence this condition cannot be discharged. Please note that we do not have the capacity to store samples for future

decision therefore an appointment needs to be made for inspection. Alternatively reference to details on the manufacturer's website may be sufficient.

Condition 4 (Boundary treatment)

You have submitted the following:

- Proposed Site Parking/Display Allocation Plan (M1112-A-111 Rev J)

The submitted details show the following:

- 1.8 metre high black coloured paladin fencing enclosing the whole site.
- Gabion walling internal parallel to the northern boundary to Lindley Moor Road

Given the commercial nature of this building and its forecourt it is considered that the proposed treatment is acceptable subject to details of the facing of the gabion walling being agreed with this Authority.

Condition 5 (Landscaping)

The details proposed on drawing no M1112.A.110 rev M are not acceptable for the purposes of condition 5. The submitted details show minimal landscaping. The site is part of a larger area at Peat Ponds. The Lindley Moor masterplan provides for a green infrastructure framework throughout and across the site and the planted buffer zone to the front of the site adjacent to the road and linking neighbouring landscaped areas. The buffer is also shown as Green Corridor on the Unitary Development Plan. In such circumstances detailed planting is required in this area in accordance with details to be submitted.

Condition 8 (Highway Works)

You have completed a signed Agreement under s278 of the Highways Act. Works in accordance with this agreement are acceptable for the purposes of condition 8 and the commencement of development. The works are required to be completed and retained in accordance with the terms of the condition.

Condition 10 (Electric vehicle Charging Points)

You have submitted the following

- Drawing P48869.07 rev T10
- Manufacturer's specification by Chargemaster

These details are acceptable subject to the following additional amendments by reference to the locations shown on drawing: P48869.07 rev T10.

- 3 total UK 15 points in the front customer car parking area (i.e. 1 extra point to those shown).
- 1 UK 15 point in the service collection area.
- 2 UK 10 points in the staff / visitor area

- 1 UK10 and 1 UK 15 point in the demonstration and service collection area (i.e. 1 extra point to those shown).
- 1 additional UK 10 point in the display area.

This equates to eleven spaces in total.

Condition 11 (Lighting)

You have submitted the following:

- Drawing no P109-2778-D External lighting
- Letter dated 14th August 2018 reference RID2796 from ID Planning

These details are acceptable for the purposes of condition 11. The agreed details are required to be installed and operated in accordance with the terms of the condition.

Condition 12 (Crime prevention)

You have submitted the following:

- Drawing External Data/CCTV drawing reference P48869.19 revision T2. This is acceptable for the purposes of condition 12 and the condition will be discharged upon completion of the agreed scheme.
- Letter dated 14th August 2018 reference RID2796 from ID Planning

The additional details required above can be submitted as part of the current application and a fresh application and fee will not be required. However, to ensure satisfactory progress they are required within 28 days from the date of this letter.

Report Dated: 29 November 2018

2018/92708 - Officer Report

This application relates to planning permission for the erection of a motor dealership at land off Lindley Moor Road, Huddersfield – 2018/90074. The application seeks to discharge planning conditions and a split decision was issued previously. This report relates to the following condition regarding materials:

3. Prior to development commencing samples of the proposed roofing and walling materials shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented using the agreed materials.
***Reason:** In the interests of visual amenity and to accord with Policies BE1and BE2 of the Kirklees Unitary Development Plan.*

Assessment

The approved plans showed the following:

- Walls clad in profiled metal sheeting pale grey
- Corner entrance walls in profiled metal sheeting in dark grey
- Features in grey and olive green
- No materials were specified for the roof as this is shallow behind a parapet.

Samples have been submitted with the current application and are acceptable.

Decision text

The materials shown on the approved drawing M1112-A-520 revision B is acceptable for the purposes of condition 3 and the commencement of development. The condition will be discharged upon completion of the development in the agreed materials in accordance with the approved plans.

Report Dated: 28-December-2018

2018/92708 – OFFICER REPORT

This application relates to planning permission for the erection of a motor dealership on land off Lindley moor Road, Huddersfield – 2018/90074. The application seeks to discharge conditions and split decisions have been issued previously. This report addresses the following:

4. Details of the boundary treatments shall be submitted for the approval of the Local Planning Authority. The agreed boundary treatments shall be implemented and complete prior to the first occupation of the development hereby permitted and shall be maintained thereafter
***Reason:** In the interest of visual amenity, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.*

Assessment

Details were agreed on 30th November 2018 subject to details of the facing of the gabion walling being agreed. The agent has stated that the gabion wall has been omitted from the development as its retention was not required. A revised plan has been submitted.

On this basis the condition can be discharged.

5. Within 3 months of the date of this permission a detailed landscape scheme shall be submitted for the written approval of the Local Planning Authority. The agreed landscaping shall be implemented during first planting season

following the completion of the approved buildings. The approved scheme shall be maintained for a period of 5 years from the completion of the planting works. Any specimens that die within this period shall be replaced.
Reason: *In the interests of visual amenity and to accord with the Policies BE1 and BE2 of the Kirklees Unitary Development Plan.*

Assessment

The submitted plan shows a narrow grass strip on the frontage and along the western boundary and a small block close to the entrance. This was initially rejected on the grounds that site is part of a larger area at Peat Ponds. The Lindley Moor masterplan provides for a green infrastructure framework throughout and across the larger site and the planted buffer zone to the front of the site adjacent to the road and linking neighbouring landscaped areas. The buffer is also shown as Green Corridor on the Unitary Development Plan. In such circumstances detailed planting is required in this area in accordance with details to be submitted.

The applicant has pointed out that the 'red line' application site boundary is set back from the road frontages to Lindley Moor Road and Crosland Road therefore it is unreasonable to require them to plant these areas. Officers agree with that view. Given that the site is substantially built over and crossed by services there is little scope for meaningful planting. This has been discussed with the Planning Officer who dealt with the application and he accepts this view.

In such circumstances the proposals are acceptable for the purposes of the condition.

10. Before the development is first occupied details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.
Reason: *To accord with the guidance contained in part 4 of the National Planning Policy Framework part 4 "Promoting sustainable transport".*

Assessment

Previously submitted details were accepted on 30th November 2018 subject to clarification of technical specification.

Report Dated:

2018/92708 – OFFICER REPORT

This application relates to planning permission for the erection of a motor dealership on land off Lindley moor Road, Huddersfield – 2018/90074. The application seeks to discharge conditions and split decisions have been issued previously. This report addresses the following:

3. Prior to development commencing samples of the proposed roofing and walling materials shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented using the agreed materials.
***Reason:** In the interests of visual amenity and to accord with Policies BE1and BE2 of the Kirklees Unitary Development Plan.*

Assessment
External materials have previously been approved.

4. Details of the boundary treatments shall be submitted for the approval of the Local Planning Authority. The agreed boundary treatments shall be implemented and complete prior to the first occupation of the development hereby permitted and shall be maintained thereafter
***Reason:** In the interest of visual amenity, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.*

Assessment
Details were agreed for the purpose of this condition on 30 November 2018 subject to details of the facing gabion walls being agreed. The applicant has subsequently confirmed that the gabion wall has been omitted from the scheme as it was no longer required and a revised plan has been submitted. In such circumstances the revised plan is satisfactory for the purposes of the condition.

5. Within 3 months of the date of this permission a detailed landscape scheme shall be submitted for the written approval of the Local Planning Authority. The agreed landscaping shall be implemented during first planting season following the completion of the approved buildings. The approved scheme shall be maintained for a period of 5 years from the completion of the planting works. Any specimens that die within this period shall be replaced.
***Reason:** In the interests of visual amenity and to accord with the Policies BE1 and BE2 of the Kirklees Unitary Development Plan.*

Assessment
The submitted details were not considered acceptable as they showed minimal landscaping. The site is part of a larger area at Peat Ponds. The Lindley Moor masterplan provides for a green infrastructure framework throughout and across the site and the planted buffer zone to the front of the site adjacent to the road and linking neighbouring landscaped areas. The buffer is also shown as Green Corridor on the Unitary Development Plan. In such circumstances detailed planting was required in this area in accordance with details to be submitted.

However, the ‘red line’ application site boundary as part of the planning permission is tightly drawn around the site and is set back from the edge of Lindley Moor Road. Those details do not include other land within the control of the applicant. This leaves no scope for structural planting which is therefore reliant on the requirements of the masterplan. The plan submitted with the application to discharge the condition shows minimal areas of grass which in such circumstances is considered to satisfy the requirements of the condition.

8. Development shall not commence until a scheme detailing the following highways works, including the relevant Stage 1, 2 or/and 3 Road Safety Audits (ref: CIHT guidelines on Road Safety Audit (2008)) has been submitted to and approved in writing by the Local Planning Authority:

- *Formation of a priority site access junction with Lindley Moor Road in accordance with the principles set out in 2014/91316 and application drawing M1112 – A -111 ref F dated September 2017;*

The development shall not commence until schemes for the above have been approved and shall not be occupied until all the works are complete in accordance with the approved scheme. These works shall thereafter be retained for the lifetime of the development.
***Reason:** In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan*

Assessment

Following the signing of the s278 Agreement with Highways the condition was discharged on 30 November 2018 subject to completion and retention of the approved work.

10. Before the development is first occupied details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.
***Reason:** To accord with the guidance contained in part 4 of the National Planning Policy Framework part 4 "Promoting sustainable transport".*

Assessment

The submitted details were acceptable subject to amendments to the allocation and total number of charging points. The applicant has submitted a revised plan but this does not fully address Officers’ requirements. Seven points are provided whereas eleven were suggested by officers. The applicant states that the points have been installed and are operational. They state that a number of units can charge two cars at any one time therefore unit numbers differ from outlet numbers. There are also chargers wall mounted on the workshop and back of house.

A revised scheme has been submitted and verbally agreed with the Environmental Health Officer. The charging rates are suitable for purpose and the number of points exceeds that previously requested.

In such circumstances the condition is met subject to the charging points being retained in the future.

11. Notwithstanding the submitted details a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.
The scheme should include the following information:-

- *The proposed design level of maintained average horizontal illuminance for the site.*
- *The predicted vertical illuminance that will be caused by lighting when measured at*
- *windows of any properties in the vicinity.*
- *The proposals to minimise or eliminate glare from the use of the lighting installation*
- *The proposed hours of operation of the lighting*

To reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the " Guidance Notes for the Reduction of Light Pollution" produced by the Institution of Lighting Engineers (telephone 01788 576492).
The approved details shall be completed prior to the approved development first coming into use.
***Reason:** In the interests of visual amenity**,** and to accord with the guidance contained within part 8 of the National Planning Policy Framework "Promoting healthy communities".*

Assessment

Details were agreed on 30 November 2018 subject to full installation and operation.

12. A detailed scheme identifying security and crime prevention measures across the site, shall be submitted for the written approval of the Local Planning Authority. The agreed scheme shall be implemented prior to the approved development being brought into use.
***Reason:** To accord with Policy BE23 of the Kirklees Unitary Development Plan, and the guidance contained in part 8 of the National Planning Policy Framework "Promoting healthy communities".*

Assessment

Details were agreed on 30 November 2018 subject to full installation and operation.

Decision Text

This letter should be read in conjunction with this Authority's letters of 28th January 2019 and 30th November 2018.

Condition 4 (Boundary Treatment)

In this Authority's letter of 30th November 2018 the submitted details were acceptable subject to details of the facing of the gabion walls. In your e-mail of 11th July 2018 you have confirmed that the gabion wall has been omitted as retention was not required on the site frontage. This is acceptable for the purposes of the condition subject to the agreed scheme being completed and retained. However, this letter is for Planning purposes only and is not an endorsement of your decision on the necessity of the retaining wall.

Condition 5 (Boundary treatment)

In this Authority's letter of 30th November 2018 the submitted details were not considered to be acceptable as they did not extend to the frontage to Lindley Moor Road. It is accepted that the site boundary of the planning application did not extend to this area and that there is restricted space within the site for structural planting. In such circumstances the details shown on drawing no M1112.A.110 rev M) is acceptable for the purposes of condition 5.

Please note that the planting of the site frontage is a requirement on the developer of the wider development on Lindley Moor of which your client's site forms part.

Condition 10 (Electric Vehicle Charging)

You have submitted the following details:

- Details of charging point specification and location received on 1st October 2019.

These details are acceptable subject to their provision and retention in accordance with the terms of the condition.

Condition 11 (Illumination mitigation)

Details were agreed on 30 November 2018 subject to full installation and operation.

Condition 12 (Crime Prevention measures)

Details were agreed on 30 November 2018 subject to full installation and operation.

01 October 2019

Report Dated: