

**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: 2019/62/93633/E

Site Address: 230 Cumberworth Lane, Denby Dale, Huddersfield,
HD8 8PR

Description: Erection of first floor extension and alterations

Recommending Officer: Christopher Carroll

DECISION – Full Planning Permission – Approve

I hereby authorise the approval of this application for the reason set out in the agenda of the Strategic Planning Committee dated 23/01/2020 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 10-Feb-2020

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 23/01/2020

Application Number: 2019/93633

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

Committee Decision: Delegate to the Head of Development and Master Planning to approve as detailed within the considered report.

Conditions and Reasons:

Since the planning committee meeting, the following planning conditions were agreed in an email correspondence with the applicant on 07/02/2020. The applicant has been made aware of the need for pre-commencement submissions relating to site contamination.

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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, in the interests of visual amenity, highway safety, the amenity of future residents and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

3. Notwithstanding the details shown on the approved plans, a scheme detailing the provision of a 2.0m wide footway to the Cumberworth Lane site frontage of the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the site. Details shall include construction specification, surfacing, drainage and kerbing, including the relocation of existing telegraph poles and associated highway works. The development shall not be brought into use until the approved

scheme has been implemented and it shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to promote modes of sustainable travel in line with Policies LP20 and LP21 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.

4. Prior to the development being brought into use, turning facilities shall be provided in accordance with the details shown on drawing 1401-007-rev B. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.

5. Details of the provisions for the storage of cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the site. Such provisions shall be safe and convenient for the occupiers to use. The provisions shall be constructed prior to the first occupation of the building and shall thereafter be retained free of obstructions and available for cycle parking throughout the lifetime of the development.

Reason: To comply with the Council's sustainability objectives by promoting modes of sustainable travel in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and chapter 9 of the National Planning Policy Framework.

6. Before the electrical system of the existing building is altered, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated commercial parking spaces.

The development shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and chapters 2, 9 and 15 of the National Planning Policy Framework.

7. No noisy external activities shall be carried out at the premises, including deliveries to or dispatches from the premises, outside the hours of 06:00 and 22:00 on any day.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of the Policies LP24 and LP52 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework.

8. Prior to the first occupation of the extension hereby approved, a scheme detailing the boundary treatment (walls, gates, fences) or other means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the materials to be used, elevations and section drawings, where considered necessary by the Local Planning Authority. The extension shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained for the lifetime of the development.

Reason: In the interest of seeking an appropriate boundary treatment for a development within the green belt setting in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and chapters 12 and 13 of the National Planning Policy Framework.

9. Notwithstanding drawing number 3607/1, within 12 months of the development commencing, a detailed landscaping scheme for the side and rear boundaries of the planning application site shall be submitted and approved in writing by the Local Planning Authority. The landscaping scheme shall have regard to the details of the Ecological Design Strategy required by Condition 12 and shall contain a full planting specification, including the layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates. The approved scheme shall be implemented no later than the first planting season from when it is approved. Thereafter all planted materials shall be maintained in line with an approved Landscape Management Plan.

Reason: In the interests of visual and residential amenity and enhancing the ecological value of the site, and to accord with Policies LP24 and LP32 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework.

10. Prior to the first occupation of the extension hereby approved, a Landscape Management Plan (LMP) shall be submitted to and approved in writing by the Local Planning Authority. The LMP shall include the following:

- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years /from completion.

The LMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs, in the interests of amenity and biodiversity, and to accord with Policies LP24, LP32 and LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

11. Details of any additional tree or hedgerow works required during the construction process that are not identified within the information supporting the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect hedgerows and trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

12. An ecological design strategy (EDS) addressing mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the site. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed ecological works;
- a) Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges (habitat boxes to be integral to new structures where appropriate);
- b) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs;
- c) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose; and
- d) Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide ecological enhancement in accordance with Policy LP30 of the Kirklees Local Plan Policy LP30 and chapter 15 of the National Planning Policy Framework.

13. Notwithstanding the approved plans, prior to the occupation of the extension hereby approved, details of capacity, storage and access for collection of wastes from the premises 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: To demonstrate a functional facility for refuse collection and in the interests of amenity and highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and chapters 9 and 12 of the National Planning Policy Framework.

14. Groundworks or construction work 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

15. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to Condition 14 groundworks and

construction work (other than those required for a site investigation report) 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

16. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 15 further groundworks and any construction work 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

17. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 16. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

18. 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 site shall be brought into use until such time as the remediation measures have been completed for the site 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

19. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting;
- a) The location and specification of all of the luminaires;
- b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- c) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site;
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required; and
- f) The measures that will be taken to ensure that no external lighting of any type is directed towards the vegetation located at the northwest site boundary of the site.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and to prevent harm to the function and connectivity of the Kirklees Wildlife Habitat Network in accordance with Policies LP24 and LP30 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework.

Footnotes:

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Regarding electric vehicle charging points –

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however, more likely to be futureproof.
- Standard charging points that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles

will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E2.

Plan Schedule and Specifications:

Plan Type	Reference	Version	Date Received
Location Plan	1401-001		13/11/2019
Existing Site Plan	1401-006		13/11/2019
Proposed Site Plan	1401-007	B	13/11/2019
Existing and Proposed North East Elevation from Cumberworth Lane	1401-021		13/11/2019
Existing Floor Plans	1401-010		13/11/2019
Proposed Floor Plans	1401-011		13/11/2019
Existing and Proposed South East Elevation	1401-012		13/11/2019
Existing and Proposed North West Elevation	1401-013		13/11/2019
Existing and Proposed North East Elevation and Section A-A	1401-015		13/11/2019
Existing and Proposed South West Elevation	1401-014		13/11/2019
Proposed Site Plan indicating	1401-020		13/11/2019

Landscape Zones			
Detailed Landscape Proposals	3607/1		08/01/2020
Operations Management Plan (nineteen47 Ltd)			16/01/2020
Coal Mining Risk Assessment Report	TH/WBL/Cumber/01		13/11/2019
Ecological Appraisal (Quants Environmental Ltd)			13/11/2019
Update Ecology Survey (Quants Environmental Ltd)			13/11/2019
Highways Technical Note	1526B		13/11/2019
Supporting Letter/Planning Statement	JP/01/n1307		13/11/2019

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. During the course of the application, negotiations and amendments have been made to the planning application to secure greater soft landscaping measures to enhance visual amenity and biodiversity. Additionally, cycle storage facilities have been secured by planning condition.

Report Dated:

07/02/2020