

**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: 2019/62/94094/W

Site Address: Devour at Woodlands Mill, Luke Lane, Thongsbridge,
Holmfirth, HD9 7TB

Description: Erection of 2 temporary storage containers and
erection of greenhouse and pergola

Recommending Officer: Neil Bearcroft

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 15/07/20 and the committee decision authorisation sheet annexed below in respect of the of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 22-Jul-2020

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: Wednesday 15th July 2020

Application Number: 2019/94094

Officer Recommendation: Full Conditional Permission

Committee Decision: Full Conditional 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, as amended by the Planning and Compulsory Purchase Order 2004.

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, to protect the openness and character of the Green Belt and to accord with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. Permission for the hereby approved storage containers as detailed on the hereby approved site layout plan Dwg. No. 19090D-05-P03 shall be limited to a period of 2 years from the date this decision. Within 1 month of their removal a scheme to detail how the areas of land where the storage containers are sited will be remediated, including a timeframe for remediation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and the approved works retained thereafter.

Reason: In the interests of visual amenity and to protect the openness and character of the Green Belt and the wider local area and to ensure that structures of a temporary nature

4. Notwithstanding any details set out in the submitted plans or information, the hereby approved greenhouse, pergola and outside seating area shall not operate outside of the hours of 0900 to 2230 any day of the week.

Reason: So as not to detract from the amenities of nearby residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies in Chapter 15 of the National Planning Policy Framework.

5. Music levels played in the outside area shall accord with the recommendations set out in 5.3 of the hereby approved Noise Impact Assessment by Environmental Noise Solutions Limited and dated 30 March 2020.

Reason: So as not to detract from the amenities of nearby residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies in Chapter 15 of the National Planning Policy Framework.

6. The development shall be carried out in accordance with the submitted flood risk assessment by ADP dated 10 March 2020 and the following mitigation measures it details:

- Finished floor levels of 119.10 mAOD as per the FRA for the temporary containers, Pergola and greenhouse

These mitigation measures shall be fully implemented prior to the use and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter.

Reason: To reduce the risk of flooding to the proposed development and to accord with Policy LP27 of the Kirklees Local Plan and Policies in Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			18/12/2019
Existing Site Plan	19090D-06-P01		18/12/2019
Proposed Site Plan	19090D-05-P03		18/12/2019
Plans of Pergola and Site Plan	19090D-04-P04		18/12/2019
Plans of Greenhouse and Site Plan	19090D-10-P03		18/12/2019
Plans of Container A	19090D-07-P01		18/12/2019
Plans if Container B	19090D-08-P01		18/12/2019
Site Plan Lighting Study	19090D-12-P02		3/4/2020
Planning Statement			18/12/2019
Noise Impact Assessment	NIA/9041/20/9050/v2/Devour, Holmfirth		3/4/2020
Restaurant Noise Management Plan	(revised April 2020)		3/4/2020
Flood Risk Assessment	10 March 2020		3/4/2020

Plan Type	Reference	Version	Date Received
External Lighting Levels survey and report	1 April 2020		3/4/2020

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 agent to secure further information in respect to lighting and flood risk. The application was determined based on the submitted plans and information.

Report Dated: 21/7/2020