

**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: 2019/62/94096/W

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

Description: Erection of extension to former mill building

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 above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 08-Sep-2020

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 15 July 2020

Application Number: 2019/94096

Officer Recommendation: Approve subject to conditions listed in the committee report

Committee Decision: Delegate to the Head of Strategic Investment to approve as detailed within the considered report but without the extension of hours of use which was refused by members and hours of operation to be in line with existing planning 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. The hereby approved extension shall be constructed from natural stone and blue slate tiles which shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to protection of the character and appearance of the Green Belt and the wider local area and to accord with Policies LP24 and LP57 of the Kirklees Local Plan and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

4. The hereby approved extension shall operate in association with the main restaurant at all times and shall operate in accordance with the following hours of use:

- 0930 to 2230 any day of the week
- Deliveries or dispatches to or from the site: 0730 to 2000 Monday to Friday, 0800 to 1800 Saturdays
- No deliveries Sundays and Bank Holidays

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. The hereby approved development shall be carried out in accordance with the following flood mitigation measures:

- Finished Floor levels no lower than 118.95 mAOD.
- 300mm of flood resilience measures above the finished floor level such as raising electrical sockets.
- The provision of an area outside of the flood zone available for all users of the approved development.

These mitigation measures shall be fully implemented prior to occupation 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.

6. Prior to commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a timetable of all works details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers, signage, temporary drainage arrangements, pre-development road condition surveys, and wheel washing facilities within the site. The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: In the interests of residential amenity and highway safety and to accord with Policies LP21 and LP52 and of the Kirklees Local Plan.

7. Prior to the installation or erection of any extract ventilation systems within the site outlined in red on the hereby approved Dwg. No. 3327 (0-) 180 Revision A, details shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the methods of treatments of emissions and filters to remove odours, control of noise emissions and specific design details of the system including of any external flue. The works specified in the approved scheme shall thereafter be installed, retained, operated at all times when the required by the development and maintained in accordance with the manufacturer's instructions unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the protection of residential amenity from any adverse noise and odours arising from the operation of the development and to accord with Policies LP51 and LP52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the National Planning Policy Framework.

8. Before the installation of any external plant such as air condition units, cooling units etc at the site outlined in red on the hereby approved Dwg. No. 3327 (0-) 180 Revision A, other than that approved as part of condition 10, details of said plant shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall set out the need for the additional plant, its siting, appearance and the predicated noise levels that would be generated through its operation. The additional plant shall thereafter operate in accordance with the approved details, and be maintained and in accordance with the manufactures recommendations.

Reason: In the interests of the protection of residential amenity from any adverse noise and odours arising from the operation of the development and to accord with Policies LP51 and LP52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan/Document Type	Reference	Revision	Date Received
Existing Yard Drawings (including location Plan)	3327 (0-) 179	-	18/12/2019
Proposed Garden Room Drawings	3327 (0-) 180 Rev A		18/12/2019
Site Plan Lighting Study	19090D-12-P02		3/4/2020
Planning Statement			18/12/2020
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 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 contacted the agent on numerous times with respect to the site and other applications which were submitted at the same time to secured amended plans and further information to address a number of issues.

*low risk coal

Report Dated: 4/9/2020

