

**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: 2020/62/91601/E

Site Address: Dunkirk Inn, 231, Barnsley Road, Lower Denby,
Huddersfield, HD8 8TX

Description: Change of use from agricultural land to Sui generis
Drinking Establishment (previously A4) and erection of
extensions and alterations

Recommending Officer: Louise Bearcroft

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application, which was resolved to be approved at the Heavy Woollen Planning Sub-Committee meeting on 14th April 2021 and for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 29-Jul-2021

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Sub-Committee

Date of Committee: 14th April 2021

Application Number: 2020/91601

Officer Recommendation: Conditional Full Permission

Committee Decision: Conditional Full Permission

Summary of Committee Decision

Decision: In accordance with officer recommendation – DELEGATED to the Head of Planning and Development for approval of the application and the issuing of the decision notice in order to complete the list of conditions, including additional conditions relating to boundary treatment, landscaping and measures to protect neighbour amenity.

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 LP1, LP2, LP10, LP16, LP21, LP22, LP24, LP33, LP35, LP48, LP53 and LP57 of the Kirklees Local Plan as well as Chapters 2, 6, 9, 12, 13, 15 and 16 of the National Planning Policy Framework.

3. Details and specifications of all roofing and walling materials including the green roof/s shall be submitted to and approved in writing by the Local Planning Authority before works commence to construct the superstructure of the extension. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the setting of the adjacent listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

4. Details of all boundary treatments including retaining walls shall be submitted to and approved in writing by the Local Planning Authority before the extension is first brought into use. Thereafter the boundary treatments

shall be provided in accordance with the approved details before the extension is first brought into use and retained.

Reason: In the interests of visual amenity and to protect the setting of the adjacent listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

5. Groundworks 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 paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the appropriate surveys/site investigation are first undertaken.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, groundworks (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 paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the appropriate surveys/site investigation are first undertaken.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 further, groundworks 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 paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the appropriate surveys/site investigation are first undertaken.

8 Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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 2 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 paragraph nos. 178 and 179 of the National Planning Policy Framework

9. 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 paragraph nos. 178 and 179 of the National Planning Policy Framework

10. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. Before any works to the extract system commence details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise. Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. The kitchen extension hereby approved shall operate utilising the on-site high-capacity grease trap system provision prior to first use/occupation of the extension and thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) and the NPPF.

13. Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays •

08.00 to 13.00hours Saturdays

- With no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP24 of the Kirklees Local Plan

14 The Public House car park facility will be provided in perpetuity to serve the proposed development.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

15. Details of waste/recycling facilities shall be submitted to and approved in writing by the Local Planning Authority before the extension is first brought into use. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and residential amenity and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

16. 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 before the extension is first brought into use/occupied. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial parking spaces.

Parking spaces that are to be provided with charging points shall not be brought into use, or the extension first brought into use/occupied 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. EVF1 Electric Vehicle Charging Points

17. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the extension is first brought into use. Thereafter the approved scheme shall be implemented so that planting is carried out no later than the first planting season following the first occupation of the extension.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping and to comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan.

18. A scheme detailing measures for the protection of residential amenity shall be submitted to and approved in writing by the Local Planning Authority before the extension is first brought into use. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of neighbouring residential properties and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: 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.

NOTE: Detailed advice is available in "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" by EMAQ Sep 2018 which is an update of "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" by DEFRA 2005.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site Plan, Plans and Elevations	EX01	E	17.03.21
Proposed Site Plan and Floor Plans	PR01		17.03.21
Proposed Elevations	PR02		17.03.21
Design and Access Statement			10.06.21
Coal Mining Risk Assessment Site Investigation	20-07-1599		21.07.20
Highways Statement	11805-001-02		15.02.21
Highways Statement Addendum	11805-001-02		05.03.21
Carparking Assessment			16.9.20
Proposed Carparking Marking	PR13		30.11.20
Miscellaneous Supporting statements from Local Community			14.12.20 and 16.12.20
Supporting Calculations: Volume /Gross Footprint /Footprint /Public Restaurant Area			17.03.21
The Dunkirk Extension			02.09.20

Plan Type	Reference	Version	Date Received
Size Justification			
The Bagden Group Limited – Accounts Year Ended 31 March 2020			02.09.20

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 to reduce the size of the extension and the red line boundary.

Report Dated:

8 June 2021