

**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: 2021/62/90743/W

Site Address: Gledhill Farm, Kaye Lane, Almondbury, Huddersfield,
HD5 8XU

Description: Alterations to convert existing barns to café and
seating area and formation of parking facilities

Recommending Officer: Stuart Howden

DECISION – Conditional Full Permission

**I hereby authorise the approval of this application for the reasons set
out in the Committee Authorisation annexed below in respect of the
above matter.**

Teresa Harlow

AUTHORISED OFFICER

Date: 23-Jun-2021

Decision Authorisation – Committee Decision

Committee: Huddersfield Planning Sub-Committee

Date of Committee: 17th June 2021

Application Number: 2021/90743

Officer Recommendation: Conditional Full Permission subject to delegation of authority to officers

Committee Decision: Conditional Full Permission subject to delegation of authority to officers

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 LP10, LP13, LP20, LP21, LP22, LP24, LP28, LP30, LP35, LP43, LP48, LP51, LP52 and LP60 of the Kirklees Local Plan and Chapters 6, 7, 8, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. Internally, the café use hereby approved shall be strictly contained to the red dashed area of the livery building as displayed in drawing No. TS112-2, and shall not exceed a floor area of 143m².

Reason: To preserve the role and function, as well as the viability and vitality of Newsome Local Centre and Almondbury District Centre, to preserve the openness of the Green Belt, in the interests of residential amenity and highway safety and to accord with Policies LP10, LP13, LP21, LP22, LP24, LP52 and LP60 of the Kirklees Local Plan and Chapters 6, 7, 9, 12, 13 and 15 of the National Planning Policy Framework.

4. Prior to the first use of the café hereby approved, a Cooking Odour Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The assessment shall include details of the proposed cooking activities at the development and the installation and/or erection of any extract ventilation system that will be provided for these cooking activities. It shall include details of the methods of treatments of emissions and filters to remove odours and the measures to control noise emissions. Thereafter the approved methods for the treatment of emissions and filters to remove odours and the measures to control noise emissions shall be operated at all times when the premises are in use and maintained in accordance with the manufacturers instructions.

Reason: To ensure the proposed development does not cause harmful odour or noise pollution within either a public area or 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.

5. Prior to the first use of the café hereby approved, the access track shall be widened in accordance with Drawing No's. H3451/02. Before the track is widened, details of surface improvements to the first 30 metres of the widened access lane into the site from Kaye Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the café, the improvements to the widened access and access track shall be carried out in accordance with these approved details, and retained as such thereafter.

Reason: In the interests of highways safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. Prior to the first use of the café hereby approved, the car park shall be laid out in with accordance with Drawing No. TS112-2. Thereafter, the car park shall be retained in accordance with the approved details and made available for customer parking.

Reason: In the interests of highways safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

7. Prior to the first use of the café hereby approved, a scheme detailing the boundary treatments (including acoustic fencing) between the site and the neighbouring residential properties of No.126 and 132 Kaye Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the position, height and materials of the boundary treatments. Thereafter, and prior to the first use of the café hereby approved, the development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual and residential amenity, and to comply with 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 use of the café hereby approved, a method statement for enhancing biodiversity opportunities at the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the cafe, the scheme shall be undertaken in accordance with the details so approved and retained in accordance with the approved details.

Reason: To ensure the development hereby approved provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no heat exchange unit, air conditioning unit or other plant shall be installed in association with the cafe, until a further acoustic report has been submitted to and approved in writing by the Local Planning Authority, including:

- I. an assessment of noise emissions from the proposed plant;
- I. details of background and predicted noise levels at the boundary of adjoining residential premises on Kaye Lane;
- II. a written scheme of how the occupants of adjacent premises are to be protected from noise from the plan.

Any such plant shall be installed in full accordance with the details and recommendations in the approved acoustic report and thereafter retained as such and operated and maintained in accordance with the manufacturer's instructions.

Reason: To ensure that the development does not cause harm to the amenities of residential properties in the vicinity of the site arising from undue noise disturbance, and in accordance with Policies LP24 and LP52 Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

10. Prior to an outdoor seating area being available to customers of the café hereby approved, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of the noise emissions from the outdoor seating area;
- a) details of existing background and predicted future noise levels at the boundary of noise sensitive premises (nos. 112a to 122 Kaye Lane)
- b) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the outdoor seating area including details of all necessary noise attenuation

The outdoor seating area shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure that the development does not cause harm to the amenities of residential properties in the vicinity of the site arising from undue noise disturbance, and in accordance with Policies LP24 and LP52 Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. 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.

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 from light pollution and promote sustainable development in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. Prior to the first use of the café hereby approved, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall consider the use of renewable energy to supply the development as well as the provision of electric vehicle charging points. Thereafter, and prior to the first use of the café hereby approved, the development shall be carried out in strict accordance with the recommendations and measures contained in the approved Energy Statement.

Reason: In the interests of sustainability, and to deliver low carbon development to mitigate the impacts on climate change, in accordance with Policies LP24, LP51 and 52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

13. Prior to the first use of the café hereby approved, details of the bin/refuse collection and storage areas including their location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior

to the first use of the cafe, the approved bin/refuse storage and collection areas shall be made operational and retained in accordance with the approved details.

Reason: In the interests of residential and visual amenity, in the interests of highway safety and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the National Planning Policy Framework.

14. The use/development hereby permitted shall not be open to customers outside the hours of 09:00 to 18:00 on any day, and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure the amenities of nearby noise sensitive properties are not compromised by noise and disturbance at unsocial hours and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

15. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works 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 Paragraphs 178 and 179 of the National Planning Policy Framework.

16. The menage area, as included within the application site within Drawing No. TS112-2, shall be retained as such and shall not be used for customer or staff parking associated with the approved café use.

Reason: To preserve the openness of the Green Belt, in the interests of residential amenity and to accord with Policies LP10, LP13, LP21, LP22, LP24, LP52 and LP60 of the Kirklees Local Plan and Chapters 6, 7, 9, 12, 13 and 15 of the National Planning Policy Framework.

NOTE: 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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 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.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: In relation to condition 4, 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.

NOTE: In relation to condition 11, 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.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*

- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2)* June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	24 th February 2021
Focussed Location Plan	TS112-3		9 th March 2021
Site Layout Plan	TS112-2	-	19 th April 2021
Swept Paths and Visibility Splays	H3451/02	-	19 th April 2021
Existing Roof Layout	EX001	Rev 1	24 th February 2021
Existing Floor Plan	EX002	Rev 1	24 th February 2021
Existing Elevations	EX003	Rev 1	24 th February 2021
Proposed Elevations	PR002	Rev 2	24 th February 2021
Proposed Floor Plan	PR001	Rev 3	24 th February 2021
Design and Access Statement by WBW Chartered Surveyors dated February 2020	-	-	9 th March 2021
Preliminary Roost Assessment by Dave Anderson dated 15.03.2021	-	-	18 th March 2021

Statement of Engagement

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.

This application follows a withdrawn application (2020/93885) for a larger café building and the use of the menage as a car parking area. This application was withdrawn following officer concerns with the impact upon the role and function of the nearest District Centre, the impact upon the green belt, the impact upon biodiversity, the impact upon neighbouring properties and the impact upon the highway network. This current application is a reduced scheme which is supported by more information.

During the processing of this application, further parking spaces for car parking were requested, and this was provided to address officer concerns.

Report Dated:

22.6.21
