

**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:         | <b>2022/62/93096/W</b>                       |
| Site Address:         | 57, Fixby Road, Fixby, Huddersfield, HD2 2JB |
| Description:          | Erection of extension and external staircase |
| Recommending Officer: | Laura Yeadon                                 |

**DECISION – Conditional Full Permission**

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

Teresa Harlow

***AUTHORISED OFFICER***

**Date:** 21<sup>st</sup> July 2023

## Decision Authorisation – Committee Decision

**Committee:** Huddersfield Planning Sub-Committee

**Date of Committee:** Thursday 20<sup>th</sup> July 2023

**Application Number:** 2022/93096

**Officer Recommendation:** Refusal

|                  |                  |             |      |            |
|------------------|------------------|-------------|------|------------|
| <b>Committee</b> | <b>Decision:</b> | Conditional | Full | Permission |
|------------------|------------------|-------------|------|------------|

## Summary of Committee Decision

Members debated the application which was granted full conditional permission contrary to officer's recommendation. Members considered that the enhancement of a community facility would outweigh the harm to visual and residential amenity, taking into account Policy LP48 of the Local Plan and paragraph 93d of the National Planning Policy Framework. This was balanced against paragraphs 10.39 and 10.40 of the Committee Report with regards to community facilities and services and the harm to visual and residential amenity.

## Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 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, and to accord with Policies LP1, LP2, LP6, LP13, LP21, LP22, LP24, LP30, LP48, LP52 and LP53 of the Kirklees Local Plan and to accord with Policies within Chapters 2, 4, 6, 8, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

4. The external staircase shall be constructed in metal and be finished in a black coloured powder coated finish.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. In the event that contamination, or the presence of coal 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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 paragraph nos. 178 and 179 of the National Planning Policy Framework

6. There shall be no deliveries to or dispatches from the premises outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

No deliveries shall take place on Sundays or Bank Holidays.

**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 Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation

would be an offence for which the maximum fine on summary conviction is unlimited.

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

Plans and specifications schedule:-

| Plan Type                                                                     | Reference             | Version | Date Received                   |
|-------------------------------------------------------------------------------|-----------------------|---------|---------------------------------|
| Existing site layout, elevations and floor plans                              | 1978-22-001<br>Rev: C | –       | 10 <sup>th</sup> October 2022   |
| Location plan, proposed site layout plan, proposed elevations and floor plans | 1978-22-002<br>Rev: E | –       | 8 <sup>th</sup> February 2023   |
| Planning Statement                                                            |                       |         | 26 <sup>th</sup> September 2022 |
| Additional information                                                        |                       |         | 29 <sup>th</sup> June 2023      |

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. Officer's raised concerns regarding this application and whilst Officer's note that the shop with flat above, no.59 Fixby Road and the Broomfield Road outbuilding all fall under the same ownership, it was considered that the proposed extension to the store would impact on the amenity of future occupiers of no. 59. Amended plans were submitted to modify the proposed site plan and the application was subsequently determined at Huddersfield Planning Sub-Committee.

**Report Dated:**

21<sup>st</sup> July 2023

