

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2023/44/91192/E
Site Address:	Greenhead College, Greenhead Road, Huddersfield, HD1 4ES
Description:	Discharge conditions 4 (Coal Legacy: Validation), 19 (cycle parking), 22 (Noise Impact Assessment), 24 (drainage food prep interception), 26 (kitchen extract system) on previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4 storey buildings, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works (within a Conservation Area)
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions- Granted

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 13-Jul-2023

Application: 2023/44/91192/E

Site: Greenhead College, Greenhead Road, Huddersfield, HD1 4ES

Proposal: Discharge conditions 4 (Coal Legacy: Validation), 19 (cycle parking), 22 (Noise Impact Assessment), 24 (drainage food prep interception), 26 (kitchen extract system) on previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4 storey buildings, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works (within a Conservation Area)

Assessment

Condition 4 (Coal Legacy: Validation)

4. Prior to the occupation of each phase of the development, or each phase being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity

Reason: *So as to ensure appropriate consideration to coal legacy, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.*

The submitted details relate to phase 1 only, defined within the submitted report.

The submitted details have been reviewed by the Coal Authority, who confirm they are acceptable and do not oppose the discharge of condition 4, pursuant to this phase, which officers recommend. A note relating to this being a phased approval is intended on the decision notice.

Condition 19 (cycle parking)

19. Prior to the hereby approved 'new main build', as shown on plan ref. 'NE8659-RYD-01- ZZ-DR-A-3600 rev. P8', being brought into use, further details of 36 secure cycle parking spaces and a timetable for their installation shall be submitted to and approved in writing by the Local

Planning Authority. The cycle parking shall then be implemented in accordance with the approved details and timetable and therefore retained.

Reason: *To ensure attractive and usable cycle storage facilities are provided, in the interest of highway safety and efficiency and to comply with Policies LP20 and LP21 of the Kirklees Local Plan.*

The initial details of the submitted structure were considered acceptable. However, officers sought clarification on the security measures and the submission of a timetable for implementation. These were provided, and officers may now recommend that condition 19 be discharged.

Condition 22 (Noise Impact Assessment)

22. Prior to each of the hereby approved 'new main build' as shown on plan ref. 'NE8659- RYD-01-ZZ-DR-A-3600 rev. P8', and the 'courtyard infill' as shown on plan ref. NE8659- RYD-02-ZZ-DR-A-3602 rev. P7 being brought into use, all works which form part of the sound attenuation scheme for that building, as specified in the Apex Acoustics Noise Impact Assessment dated 26th November 2021 (ref: NE8659-APX-ZZ-ZZ-RP-YA-0002 rev. P06) shall be completed and written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before each building is first brought into use

Reason: *To protect the amenity of neighbouring residents through managing noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.*

The 'new main build' has been substantially complete. The submitted document confirms that the previously approved mitigation is sufficient to achieve the specified noise levels, and further investigation / mitigation is not required.

The 'courtyard infill' building has not been commenced / completed. Therefore, officers initial view what that element of the proposal could not be discharged. However, it has been pointed out that in the original report (reference *NE8659-APX-ZZ-ZZ-RP-YA-0002 rev. P06*, as identified in the condition) said that no mitigation measures were required for the 'courtyard infill' building (paragraphs 11.8 – 11.10 of said report). As such, while the courtyard infill building has not been completed, for practical purposes condition 22 has been adhered to and may be discharged.

Condition 24 (drainage food prep interception)

24. Prior to the hereby approved 'new main build', as shown on plan ref. 'NE8659-RYD-01- ZZ-DR-A-3600 rev. P8', being brought into use, a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented prior to first operation of the new main building and shall be retained throughout the lifetime of the development. **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 LP52 of the Kirklees Local Plan.

The submitted details have been reviewed by K.C. Environmental Health, who consider them to be acceptable. Officers therefore recommend that condition 24 may be discharged.

Condition 26 (kitchen extract system)

26. Prior to the hereby approved 'new main build', as shown on plan ref. 'NE8659-RYD-01- ZZ-DR-A-3600 rev. P8', being brought into use, 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; and
- 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 within the new main building commences, the approved extraction 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 (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.

K.C. Environmental Health reviewed the initially submitted details and expressed concerns. Further details were requested and provided. On review of the new details, K.C. Environmental Health have confirmed no objection.

Officers therefore recommend that condition 26 may be discharged.

Recommendation: Approve Discharge of Condition

Report Dated: 11.07.2023

Proposed Letter Text

Condition 4 (Coal Legacy: Validation)

You have submitted the document 'Completion Report from Sirius Drilling Ltd' to discharge condition 4. This document relates only to the part of the development referred to as the 'new main build', as specifically identified in Appendix A of the aforementioned document, and no other phases of the development.

The submitted details are acceptable for the identified phase of development only and this condition is partly discharged.

In accordance with the condition, further details must be submitted for assessment and discharge for each subsequent phase, prior to the occupation / use being brought into beneficial use, to ensure complete compliance with condition 4.

Condition 19 (cycle parking)

You have submitted the following documents to discharge condition 19:

- Plan ref. 0000303031-00-1.000 rev. A
- Document titled. Planning condition 19 - Cycle Storage/CCTV, dated 17th of May 2023
- Document titled. Covered Cycle Shelter Planning Condition 19, dated 29th of March 2023
- Email dated 18th of May 2023 confirming the cycle parking timeframe for delivery

I can confirm that the submitted details are acceptable for the initial purpose of condition 19. However, be aware that condition 19 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The cycle parking shall then be implemented in accordance with the approved details and timetable and therefore retained.

Condition 22 (Noise Impact Assessment)

You have submitted the document 'Plant Noise Impact Assessment by Apex Acoustics dated 17th of March 2023 Ref NE8659-APX-ZZ-ZZ-RP-YA-0004' to discharge condition 22.

Condition 22 requires evidence to be submitted demonstrating that the previously detailed acoustic mitigation measures for the 'new main build' and the 'courtyard infill' buildings respectively have been installed and are demonstrated to be effective. This is required following installation of acoustic mitigation previously identified but prior to their occupation. The 'new main build' is substantially complete; however, development has not commenced on the 'courtyard infill'. Notwithstanding that the 'courtyard infill' development has not commenced; it is noted that no dedicated noise mitigation was proposed for that building in the original Noise Impact Assessment.

Given the above, I can confirm that the submitted details are acceptable for purpose of condition 22, which is hereby discharged.

Condition 24 (drainage food prep interception)

You have submitted the manufacturer's product document 'GreasePak, Biological Drain Maintenance System' by Mechline to discharge condition 24.

I can confirm that the submitted details are acceptable for the initial purpose of condition 24. However, be aware that condition 24 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The scheme shall be implemented prior to first operation of the new main building and shall be retained throughout the lifetime of the development.

Condition 26 (kitchen extract system)

You have submitted the following documents to discharge condition 26:

- Noise Impact Assessment ref. NE8659-APX-ZZ-ZZ-RP-YA-0004 Rev. P01
- Document titled. Planning condition 26 – Sample Menu and Opening Times, dated 17th of May 2023.
- Document titled. Airgard Type 2 High Performance Premium Baffle Filter technical data sheet and
- Document titled Ventilation Canopy Cleaning and Maintenance Manual (ChefTec) by LeighTec Ventilation Systems

I can confirm that the submitted details are acceptable for the initial purpose of condition 26. However, be aware that condition 26 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

Before food cooking within the new main building commences, the approved extraction system shall be installed and thereafter retained and maintained in accordance with the approved details.

Note from K.C. Environmental Health

May we remind the applicant that Kirklees Council has 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.