

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:	2024/44/92790/W
Site Address:	Victoria Tower, Lumb Lane, Castle Hill, Almondbury, Huddersfield, HD4 6TA
Description:	Discharge of details reserved by conditions 9 (car park), 10 (cycle parking), 11 (electric charge points), 12 (waste), 16 (interpretation boards), 19 (crime prevention), 22 (materials), 25 (boundary treatment), 26 (external lighting) and 28 (landscaping) of previous permission 2018/93591 for erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation
Recommending Officer:	William Simcock

DECISION – Discharge of Conditions – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 22/11/2024

Officer Report

2024/92790

Victoria Tower, Lumb Lane, Castle Hill, Almondbury, Huddersfield

This application relates to previous permission 2018/93591 (determined 10/02/2022) for erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation.

The application seeks to discharge conditions:

- 9 (car park)
- 10 (cycle parking)
- 11 (electric charge points)
- 12 (waste)
- 16 (interpretation boards)
- 19 (crime prevention)
- 22 (materials)
- 25 (boundary treatment)
- 26 (external lighting)
- 28 (landscaping)

Those conditions are worded as follows:

9. Prior to the development hereby approved being brought into use, details (including construction details and specifications, and details of surfacing, edging and drainage) of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in accordance with the details so approved prior to the development hereby approved being brought into use, and shall thereafter be retained throughout the lifetime of the development.

Reason: *In the interests of highway safety, to achieve a satisfactory layout, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.*

10. Prior to the commencement of superstructure works, details of secure, covered and conveniently-located cycle parking for use by staff of and visitors to the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

11. *Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to 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. The scheme shall include one Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated parking spaces. The development hereby approved shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.*

Reason: *To ensure staff of and visitors to the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.*

12. *Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the development hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of management measures and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to the development hereby approved being brought into first use and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.*

Reason: *In the interests of visual amenity and highway safety, to assist in achieving sustainable development, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.*

16. *Prior to the commencement of superstructure works, details of interpretation boards to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed interpretive text and images, details of materials, and details of maintenance and measures to deter vandalism. The interpretation boards shall be installed prior to the development hereby approved being brought into first use and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.*

Reason: *In the interests of ensuring the public benefits of the development are secured, in the interests of visual amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.*

19. *Prior to the commencement of superstructure works, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use prior to the full implementation of the details so approved.*

Reason: *In the interests of minimising the risk of crime and anti-social behaviour and creating a safer and more secure location, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

22. *Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples (including a stonework sample panel, demonstrating laying pattern and mortar depth) shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.*

Reason: *In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework*

25. *Prior to the commencement of superstructure works, notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of any boundary treatments, and any retaining walls and structures, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.*

Reason: *In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.*

26. *Prior to the commencement of superstructure works, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.*

Reason: *In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework*

28. *Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:*

- *Details of existing and proposed levels, and regrading;*
- *Species schedule and planting plans;*
- *Details of initial aftercare and long-term maintenance;*
- *Details of monitoring and remedial measures, including replacement of any planting that is removed, dies or becomes diseased or damaged within the first thirty years from completion (in which case, the planting*

- shall be replaced in the first available planting season with (a) specimen(s) of the same species and size as the original planting);*
- *A Landscape and Ecological Management Plan (LEMP); and*
 - *Details (including samples, if requested), of paving and other hard surface materials.*

No part of the development hereby approved shall be brought into use until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: *In the interests of local ecological value and visual amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24, LP30, LP32, LP33, LP35 and LP47 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.*

Assessment

Condition 9 (details of the parking areas):

A plan, reference 3287 (SK) 106 rev A showing typical construction detail including surfacing, edging and drainage has been submitted. The surfacing would be permeable.

The views of KC Highways Development Management have been sought and their response is awaited. This condition cannot be discharged at the present time.

Condition 10 (cycle parking for staff and visitors):

A drawing, reference 3287 (SK) 117 rev A, has been submitted, showing a general layout plus details and a section, giving details of eight external cycle parking stands (comprising a timber rail supported by two posts) and how they will be anchored to the ground. Space for three cycles in an internal lockable store accessed from lower ground floor level within the building is also shown.

In terms of numbers of cycle parking spaces, KC Highways Development Management are yet to comment on whether the submitted details represent satisfactory provision for all users of the site.

The West Yorkshire Police Designing Out Crime Officer has queried the security rating of the proposed cycle stands. Officers partly share the concerns that this query stems from – although theft from parked cycles is considered unlikely (given the short periods of time that cyclists are likely to spend at the site), the proposed timber stands themselves are likely to be vulnerable to vandalism. It is noted that the site has been subject to crime and anti-social behaviour in the past. Simple Sheffield-type stands (painted black) would be preferable, and would not appear visually obtrusive, due to their location and number.

For the avoidance of doubt, no approval pursuant to condition 10 is hereby issued.

Condition 11 (electric vehicle charging points):

A drawing has been submitted, reference 3287 (SK) 116 rev A. This shows the location of three Double Electric vehicle charging points providing a minimum output of 16A/3.5kW, up to 32A/7.4kW.

KC Environmental Health have viewed the drawing and confirm it meets the requirements of the condition. It is therefore hereby approved. The installation of the charging points and their being made operational before the development is brought into use, and their subsequent retention, will ensure compliance with the condition.

Condition 12 (storage and collection of wastes):

A drawing, reference 3287 (SK) 114 Rev B. This shows a swept path for a refuse collection vehicle both for the car park and the servicing area, a storage area for three 1,000 bins accessible by refuse collection crews, and four public litter bins, one at each corner of the car park. The following measures to deter fly-tipping are proposed:

- 24 Hour Site Presence.
- Well-lit site to discourage tipping, LED lighting to also provide security and
- crime prevention.
- CCTV covering vulnerable areas of the site.
- Site signage for prosecution of flytipping.

The measures to prevent fly-tipping are considered to be adequate. The views of KC Highways Development Management have been sought on the general acceptability of the storage and collection arrangements, and their response is awaited. This condition therefore cannot be discharged at the present time.

Condition 16 (interpretation boards):

A drawing has been submitted, reference 3287 115 rev A. This shows the location of three interpretation boards, one mounted on or near to Victoria Tower, one at the entrance to the car park nearest the tower, and one near the entrance to the proposed visitor centre.

The interpretation boards would be made of copper, corten steel (i.e. steel designed to develop a stable rust-like weathered surface over time) or similar.

The applicant has not submitted details of the proposed interpretive text and images, which are required by condition 16.

As an annotation, the following interpretation board specification is supplied:

- Anti-fade
- Graffiti and vandal resistant
- Tamperproof stainless steel fixings
- Fire and moisture resistant
- Interpretation room to provide further more in depth information.

Given the missing information, an approval of details pursuant to condition 16 cannot be issued at this stage. Furthermore, comments from KC Conservation and Design are needed, particularly in relation to the interpretation board to be located on or close to Victoria Tower.

For the avoidance of doubt, no approval is hereby issued pursuant to condition 16.

Condition 19 (crime and anti-social behaviour):

A drawing has been submitted, reference 3287 (SK) 111 Rev A. The following annotation explain the anti-crime measures in detail:

CCTV Camera:

Full CCTV system to provide coverage of car park and monument, capable of being monitored from each individual unit (subject to formal monitoring agreement). Cameras protected within a vandal resistant housing.

ANPR Camera:

Camera positioned above ground level to prevent interference from individuals.

Site Signage:

Displayed around the car park and vehicular and pedestrian access to the site.

External Lighting:

External street and car park lighting to BS5489-2013 standard. Low energy photoelectric cell, dusk until dawn lighting or similar installed above building access doors. Fittings and wiring are to be vandal resistant, located within inaccessible positions. High and low level lighting as indicated.

ANPR

External Landscaping: Low level dense hedging/shrubberies to aid in deterring crime, not exceeding 1m in height and are to be maintained as part of the site management plan.

The West Yorkshire Police Designing Out Crime Officer has confirmed that the details in respect of the CCTV camera, ANPR camera, site signage and external landscaping are acceptable.

They have, however, noted that there are no details of access control measures (e.g. lock specifications) although it is noted that it is intended there will be a 24-hour staff presence.

They have also raised concerns about the use of bollard lighting. Alternatives to bollard lighting should be considered (having regard to all other relevant considerations), and it should also be confirmed that the Soprano Wall light and Bega Wall light are fitted above 1.8m so that the spill of light would not be too low. Finally, it has been noted that the car park would have lighting that conforms to BS5489-2013 standard, but that the plans do not indicate the location of the lighting columns. The comments of KC Conservation and Design regarding the illumination of the car park are required.

Until these matters are addressed, the condition cannot be discharged.

Condition 22 (materials):

Drawing reference 3287 (SK) 126, a 3-dimensional visualisation with annotations, has been supplied.

The proposed materials are coursed walling stone from Johnson's quarries, standing seam roof with aluminium-framed patent glazing, Yorkshire stone paving and dry stone walling.

These materials are judged acceptable. To comply with the condition, however, a sample stonework sample panel, demonstrating laying pattern and mortar depth, will need to be inspected. It is accepted that inspection on site may not be advisable owing to the difficulty of securing the site, and in the circumstances the construction of a stone panel at another location would be a satisfactory alternative. Until this has been done, the condition cannot be discharged.

The comments of KC Conservation and Design are also required regarding the proposed materials, given their use at this Schedule Ancient Monument and within the setting of a listed building.

Condition 25 (boundary treatments):

Drawing reference 3287 (SK) 124 has been submitted.

The plan shows boundary treatments comprising (i) dry stone and stone-faced cavity walls and (ii) post and rail timber fencing of 600mm in height. Gorse hedging is also proposed.

All of the boundary treatments shown are considered acceptable in terms of their functionality.

Regarding the materials and appearance of the proposed boundary treatments, the comments of KC Conservation and Design are required. This

is necessary given their locations at this Schedule Ancient Monument and within the setting of a listed building.

For the avoidance of doubt, no approval pursuant to condition 25 is hereby issued.

Condition 26 (external lighting):

Drawing reference 3287 (SK) 125 has been submitted showing a full layout of proposed lights on the building and surrounding land, including both wall lights and bollard lights.

KC Environmental Health confirm that from the point of view of avoiding negative environmental and amenity impacts, the lighting scheme is satisfactory, but as stated above there are unresolved concerns about the effectiveness of the lighting scheme in deterring crime and anti-social behaviour.

The comments of KC Conservation and Design are required. This is necessary given the proposed use of external lighting at this Schedule Ancient Monument and within the setting of a listed building.

This condition therefore cannot be discharged at the present time.

Condition 28 (landscape):

A landscape and ecological management plan (LEMP), reference 21112a/Awe, has been submitted.

Details of existing and proposed levels, of initial aftercare and long-term maintenance, monitoring and remedial measures, are not included within the LEMP.

This condition therefore cannot be discharged at the present time.

Conclusion:

At this stage, approval of details can be granted in respect of condition 11 only. Approval of details cannot be granted in respect of the remaining conditions.

Report Dated:

20/11/2024
