

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:	2025/44/90014/E
Site Address:	Windmill Inn, 2, Busker Lane, Skelmanthorpe, Huddersfield, HD8 9EP
Description:	Discharge of details reserved by conditions 3 (external walling materials) 4 (noise assessment) and 8 (electric vehicle charging point) on previous permission 2022/90861 for erection of extensions and alterations including the formation of external seating and extension of first floor terrace
Recommending Officer:	Nicole Helliwell

DECISION – Discharge of Conditions - Approved

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.

East Team

AUTHORISED OFFICER

Date: 17-Mar-2025

Officer Report

Reference No. 2025/44/90014/E

Site Address: Windmill Inn, 2 Busker Lane, Skelmanthorpe, Huddersfield, HD8 9EP

Proposal: Discharge of details reserved by conditions 3 (external walling materials) 4 (noise assessment) and 8 (electric vehicle charging point) on previous permission 2022/90861 for erection of extensions and alterations including the formation of external seating and extension of first floor terrace.

Assessment

Condition 3 – Materials

3. Samples of all external walling materials shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the superstructure of the extensions hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

Reason: *In the interest of visual amenity and to comply with Policies LP24 and LP57 of the Kirklees Local Plan as well as the aims of Chapters 12 and 13 of the National Planning Policy Framework.*

Assessment of Condition 3

The applicant has submitted a document titled 'Discharge of Conditions (dated 20th December 2024) which details the walling materials proposed. The proposed walling materials would be Hardie Plan VL in Anthracite Grey. In this instance, the materials would be appropriate given that the addition would be of a contemporary design. Therefore, these details are deemed to be acceptable for the purposes of the condition and therefore condition 3 can be discharged. This is subject to the development being completed using the approved materials.

Condition 4 – Noise Assessment

4. Before construction work commences, 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 all of the noise emissions from the proposed development*
- a) Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises*
- b) A written scheme of how the occupants of the abovementioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.*

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

Reason: *In the interest of the amenity of the adjacent properties and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.*

Assessment of Condition 4

The applicant has submitted a Noise Impact Assessment (reference no. NP-009125 rev. 001, dated 1st March 2023) in support of condition 4. Figure 1 of the document outlines the development site in relation to neighbouring noise sensitive receptors (NSRs).

An environmental noise survey was undertaken between the 24th and the 27th of February 2023 from a single measurement position as shown in figure 1 and comment is made that the noise profile is 'typical' for this type of area and is dominated by road traffic noise emissions from Busker Lane (B6116). A summary of the findings is given in table 2.

Using the lowest typical values and based upon a capacity of 24no. patrons, calculations in table 3 show the patron noise at NSRs 1 and 2 deeming them not significant with the exception of 2100hrs onwards on Sunday at NSR1 where the impact is deemed slight/moderate. In mitigation, a recommendation is made for the external patron area to be restricted to 2100hrs on Sundays. A further recommendation is made akin to a noise management plan and this should be encouraged.

The report states the end user of the Proposed Development is unknown at this stage of the proposal, and no makes or models of external fixed plant to service the kitchen have been specified. As such, based upon the measured levels, upper levels of plant noise have been specified as shown in table 6 which based upon a BS4142 assessment, will determine a low impact and must therefore be adhered to.

The findings of the report are accepted. However, the recommendation for a reduction in the Sunday evening hours is contrary to condition 6 of the 2022/90861 permission which states –

6. The outdoor seating area to the rear of the building hereby permitted shall not be open to customers outside the of 23:00 hours to 11:00 hours the following day, including Sundays and Bank Holidays. There is no music to be amplified or otherwise played in these areas. Reason: To ensure that the outdoor seating does not give rise to loss of amenity to nearby residential properties, by reasons 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.

As such, the applicant will need to formally apply to alter condition 6 via a Section 73 Amendment to reflect the details of the Noise Impact Assessment.

Condition 8 – Electric Vehicle Charging Point

8. Before the electric system is installed, 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 improved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- *One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces. Buildings and parking spaces that are to be provided with charging points shall not be brought into use 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 objections of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.*

Assessment of Condition 8

The applicant has submitted a document titled 'Discharge of Conditions' (dated 20th December 2024) and a Block Plan (dated 8th March 2022, reference no. (20)003 rev. A) in support of condition 8. The document confirms that the applicant intends to install 2 x Apex 7.3kW Pro Earth AC Wall Chargers with 32A Type 2 Sockets within the car park located in the parking area adjacent to the bowling green indicated as spaces P7 & P8 on the block plan. KC Environmental Health accept this information. However, the applicant is reminded that the EV units must be installed and fully operational prior to occupation and retained thereafter and approval under Building Regs may be required.

Decision Notice Text

Condition 3 – Materials

The following information has been submitted:

- Discharge of Conditions (dated 20th December 2024)

It is considered that the proposed walling materials are acceptable for the purposes of condition 3. However, condition 3 can only be fully discharged when the proposal is constructed and maintained in accordance with the details approved.

Condition 4 – Noise Assessment

The following information has been submitted:

- Noise Impact Assessment (reference no. NP-009125 rev. 001, dated 1st March 2023)

In conclusion, it is considered that the proposed details are acceptable for the purposes of condition 4. However, the applicant will need to formally apply to alter condition 6 via a Section 73 Amendment to reflect the details of the Noise Impact Assessment.

Condition 8 - Electric Vehicle Charging Point

The following information has been submitted:

- Discharge of Conditions (dated 20th December 2024)
- Block Plan (dated 8th March 2022, reference no. (20)003 rev. A)

KC Environmental Health accept the information provided and recommend the discharge of condition 8. However, the applicant is reminded that the EV units must be installed and fully operational prior to occupation and retained thereafter and approval under Building Regs may be required.