

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:	2025/44/91067/W
Site Address:	Lu's Place, Unit Q1, Meltham Mills Industrial Estate, Meltham, Holmfirth, HD9 4DS
Description:	Discharge of details reserved by conditions 3 (Noise Management Plan) and 4 (Arboricultural Method Statement) of previous permission 2023/93798 for erection of cafe, formation of car park, bin/recycling and food storage compounds, VIP pod, children's play area with cover and associated landscaping
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 09-Jun-2025

DISCHARGE OF CONDITIONS

Site: Lu's Place, Unit Q1, Meltham Mills Industrial Estate, Meltham, Holmfirth, HD9 4DS

Proposal: Discharge of details reserved by conditions 3 (Noise Management Plan) and 4 (Arboricultural Method Statement) of previous permission 2023/93798 for erection of cafe, formation of car park, bin/recycling and food storage compounds, VIP pod, children's play area with cover and associated landscaping.

The merits of the application have previously been assessed under reference 2023/93798 and permission granted for erection of cafe, formation of car park, bin/recycling and food storage compounds, VIP pod, children's play area with cover and associated landscaping.

Condition 3 (Noise Management Plan)

3. Before the hereby approved play area as outlined on drawing no. (23239)1_Site Plan Rev B is brought into use, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the use of the property. The approved noise management plan shall be implemented before use of the play area commences and retained thereafter.

Reason: *To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, 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.*

The following details have been submitted:

- Noise Impact Assessment NIA/11930/25/12257/v2/Lu's Place, Knowle Lane, Meltham (ref: NIA/11930/25/12257/v2/Lu's Place, Knowle Lane, Meltham) dated 14th April 2025

The submitted details have been reviewed by officers.

The Noise Impact Assessment identifies the nearest residential noise receptor as located approximately 10 metres south of the site boundary. The assessment outlines a series of measures to manage and mitigate noise generated by the use of the property. These include the installation of signage to encourage noise control, active monitoring of the area by staff, provision of

company contact details to nearby residents, and the logging and review of all complaints by site management and the use of external amplified music will be prohibited at all times.

It is noted that the submitted details sets out that use of the play area will be restricted to the hours between 09:00 and 21:00. However, the planning permission specifies that the development shall not be open to members of the public outside the hours of 09:00am – 18:00pm Monday – Sunday. It is recommended that this is made reference to in any discharge of the scheme as the submitted scheme references three hours of use of the playground which is not permitted by the permission.

Officers are satisfied that the other proposed measures adequately address the requirements of the condition, and that the use of the development would not lead to excessive noise as a result of the undertaking, and taking account of the hours of use restriction in place for condition no.6 of the permission (2023/93798).

Therefore it is recommended that condition 3 be discharged on this basis.

Condition 4 (Arboricultural Method Statement)

4. Prior to development commencing, an Arboricultural Method Statement with Tree Protection Plan in accordance with British BS5837 shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement & Tree Protection Plan shall be implemented for the entirety of the construction phase of the development hereby approved.

Reason: *This pre-commencement condition is required to ensure there will be no damage to the surrounding trees from the storage of materials or accidental damage during the construction phase and to accord with Policies LP24 and LP33 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

The following details have been submitted:

- ARBORICULTURAL METHOD STATEMENT to BS 5837:2012 (ref: 21487-B/AJB).

The submitted details have been reviewed by the Council's arboricultural team, who confirm that the Arboricultural Method Statement sufficiently details the tree protection measures that will be implemented during construction and that they have no objection to the discharge of the condition on the basis of the submitted scheme.

The method statement confirms that no tree works are anticipated during or after construction. Temporary protective fencing will be installed as the first task on site to establish a Construction Exclusion Zone (CEZ) and prevent any damage to trees. This fencing, compliant with BS 5837:2012 and clearly signed, will be inspected by an appointed arboriculturalist before any further work begins. No activity, including excavation or material delivery, will proceed until the fencing is approved. The protective barrier must remain in place throughout construction and can only be removed with the Local Planning Authority's prior consent. It will be dismantled once construction is complete and main machinery is off-site.

Officers consider the submitted Arboricultural Method Statement sufficiently details the tree protection measures that will be implemented during construction.

Decision Notice Text

Condition 3 (Noise Management Plan)

The following details have been submitted:

- Noise Impact Assessment NIA/11930/25/12257/v2/Lu's Place, Knowle Lane, Meltham (ref: NIA/11930/25/12257/v2/Lu's Place, Knowle Lane, Meltham) dated 14th April 2025

Other than reference to hours of use, on the basis of the measures set out at section 2 of the Noise Impact Assessment dated 14th April 2025 (ref NIA/11930/25/12257/v2/Lu's Place, Knowle Lane, Meltham) the condition is discharged. It is a requirement of the condition that the approved plan is retained thereafter. It should be noted that condition no.6 of the permission (2023/93798) restricts the hours of operation for visiting members of the public to 09:00am – 18:00pm Monday – Sunday (including bank holidays) and this hours of use restriction is applicable to the outdoor play area.

Condition 4

The following details have been submitted:

- ARBORICULTURAL METHOD STATEMENT to BS 5837:2012 (ref: 21487-B/AJB).

The submitted Arboricultural Method Statement is considered to satisfy the requirements of condition 4 and demonstrates an acceptable scheme, therefore Condition 4 is discharged on the basis of the submitted statement. It is a

requirement of this condition that the Arboricultural Method Statement & Tree Protection Plan be implemented for the entirety of the construction phase.