

KIRKLEES COUNCIL
LIST OF PLANNING APPLICATIONS DECIDED BY
PLANNING SUB-COMMITTEE (STRATEGIC PLANNING COMMITTEE)
10 MARCH 2016

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90137

Netto Ltd and Indigo Planning Ltd - Planning Permission for erection of foodstore, formation of car parking and associated access, servicing and landscaping; and Outline Permission for erection of family pub/restaurant (within a Conservation Area) - land at Cemetery Road/Mayman Lane, Batley

GRANT CONDITIONAL FULL PERMISSION (FOODSTORE, FORMATION OF CAR PARKING AND ASSOCIATED ACCESS, SERVICING AND LANDSCAPING) AND CONDITIONAL OUTLINE PLANNING PERMISSION (FAMILY PUB/RESTAURANT) SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE;

Conditions for Foodstore only:

(1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

(2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications as listed at the end of this decision notice except as may be required by other conditions.

(3) No development of the food store building hereby approved shall take place until details and samples of all facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials and maintained as such.

(4) Notwithstanding the details shown on indicative plan number 15031(20) 01 rev F, the proposed development shall not be brought into use until the following works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority:

(a) Design and construction specification of the site access with Mayman Lane, and

(b) Upgrade of bus stop 12147 Mayman Lane to a bus shelter and all associated highway works together with the appropriate Road Safety Audits.

(5) The Food Store development shall not be brought into use until a scheme detailing the surfacing and permeable drainage specification, lining and directional/informative signage for the Food Store parking (including the provision of 4 motorcycle parking spaces with suitable anchor points) and circulation areas has been submitted and approved in writing by the Local Planning Authority, and the approved works have been implemented.

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(6) The Food Store development shall not be brought into use until a scheme detailing a minimum of two car parking spaces reserved for use by Hybrid/Electric vehicles has been submitted and approved in writing by the Local Planning Authority, and the approved works have been implemented. The spaces shall be located in a convenient and visible location and provide fast charging points.

(7) The construction of the foodstore shall not commence until a scheme detailing the location and cross sectional information together with the proposed design, construction and stability of all the retaining walls adjacent to the proposed or existing public highway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the food store development being brought into use.

(8) With reference to the to the Framework Discount Food Store Travel Plan ref: VN50546, within 3 months of the store opening a Full Food Store Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The approved Full Food Store Travel Plan shall thereafter be implemented and the use of the development undertaken in accordance with the approved measures.

(9) Prior to development commencing a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- Intrusive site investigations/gas monitoring
- A report of findings arising from the intrusive investigations/gas monitoring
- Details of proposed remedial works/mitigation and a timetable for implementation of the works

The approved works shall thereafter be completed in accordance with the approved scheme.

(10) No development of the food store building hereby approved shall commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate to the same outfall, has been submitted to and approved in writing by Local Planning Authority. As set out in the submitted FRA by Haigh Huddleston Associates, dated December 2015 Ref E13/5682/FR002, the drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased

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risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

(11) The Food Store development shall not be brought into use until a scheme which indicates the hours of use of the operation of external artificial lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

(12) Tonal reverse alarm shall not be used by vehicles on the site between the hours of 23:00 and 07:00 on any day.

(13) The development hereby approved shall be completed in accordance with the recommendations of the approved Contaminated Land report (ref: E14/5682/R003).

(14) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, no works in the course of the erection of the building hereby approved shall commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

(15) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

(16) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning

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authority, works on site shall not recommence until either (a) a Remediation Strategy 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.

(17) Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole 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.

Conditions for Public House/restaurant only:

(18) Approval of the details of the appearance of the site, layout, scale and landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

(19) Plans and particulars of the reserved matters referred to in Condition 19 above, relating to the appearance, layout, scale and landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

(20) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(21) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

(22) The public house/restaurant development shall not be brought into use until a scheme detailing a minimum of two car parking spaces reserved for use by Hybrid/Electric vehicles has been submitted and approved in writing by the Local Planning Authority, and the approved works have been implemented. The spaces shall be located in a convenient and visible location and provide fast charging points.

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(23) The public house/restaurant development shall not be brought into use until a scheme which indicates the hours of use of the operation of external artificial lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

(24) The rating level of noise from fixed plant installed at the family pub shall not exceed 5dB below the background noise level when assessed at any nearby noise sensitive premises. The rating level and background levels shall be assessed in accordance with BS 4142: 2014.

(25) Notwithstanding the details shown on indicative plan number 15031(20) 01 rev F, the public house/restaurant development shall not be brought into use until the following works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority:

(a) Upgrade of bus stop 13045 Blakeridge Lane to a bus shelter and all associated highway works together with the appropriate Road Safety Audits.

(26) The development shall be carried out in complete accordance with the details shown on the submitted drawing no. 5682_43a (initial issue) dated November 2015.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Bellamy, D Firth, S Hall, Pattison, A Pinnock, Lyons and G Turner (7 Votes)

AGAINST: (0 Votes)

2015/93824

Rob Cooke, Prospect Estates Ltd - Outline application for erection of 56 dwellings and care home with associated car parking - Former Midlothian Garage, New Mill Road, Holmfirth

CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS:

CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- (i) Secure a S106 obligation for the provision of affordable housing and public open space as part of the development
- (ii) Consider an amended Flood Risk Assessment and indicative drainage layout and if appropriate add conditions
- (iii) Impose all necessary and reasonable conditions and

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(iv) Subject to there being no material change in circumstances, issue the decision

(1) Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

(3) Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

(5) No development shall take place until full details of the junctions and associated highway works on New Mill Road have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junctions have been completed in accordance with the approved plans.

(6) The buildings shall not be occupied until sightlines of 2.4 metres x 58 metres at the care home entrance and 2.4 metres x 50.7 metres at the residential access have been cleared of all obstructions to visibility exceeding 1 m in height above the level of the adjacent carriageway and these shall be retained free of any such obstruction throughout the lifetime of the development.

(7) No part of the development shall be brought into use until the redundant vehicle crossing points from New Mill Road has been permanently closed and the footway reinstated and until the new access has been constructed and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.

(8) No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the

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scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

(9) The development shall not be brought into use until a detailed drawing of the car park facilities for the approved development have been submitted and approved in writing by the Local Planning Authority. The approved car parks shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers across the access to the care home car park shall be set back 5 metres from the back of the adopted footway and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

(11) No development shall take place until details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before the development is occupied and shall be so retained thereafter free of obstructions and available for storage throughout the lifetime of the development.

(12) Development shall not commence until a scheme detailing measures to prevent mud and debris being brought from the site onto the public highway during construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

(13) As further intrusive investigation has been recommended in the Eastwood and Partners Reports dated 1/12/15 and 7/3/16, development shall not commence until a further Phase 2 Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The report should provide details of all the rounds of gas monitoring and the mitigation works proposed. The mitigation works approved shall be implemented before any dwelling to which they relate is occupied and shall thereafter be retained for the lifetime of the development.

(14) Development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include

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a timetable for the implementation and completion of the approved remediation measures.

(15) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

(16) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

(17) Before the development of the Care Home commences a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

(18) Before development of the Care Home commences, full details of any external plant (including location and expected noise levels) to be installed, shall be submitted to and approved in writing by the Local Planning Authority. Any external plant shall be installed as agreed and thereafter maintained in accordance with the manufacturer's recommendations.

(19) Before development of the Care Home commences, a scheme detailing arrangements for the servicing of the Care Home, including arrangements for and hours of deliveries and despatches shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the scheme agreed.

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2015/93825 Cont'd	<p>FOR: Councillors Bellamy, D Firth, S Hall, Pattison, A Pinnock, Lyons and G Turner (7 Votes)</p> <p>AGAINST: (0 Votes)</p>
2015/93977	<p>Ogden Properties Limited - Engineering works for the stockpile of surplus topsoil from a nearby development site and re-profiling of site - Centre 27, land at, Bankwood Way, Birstall, Batley</p> <p>CONDITIONAL FULL PERMISSION</p> <p>(1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.</p> <p>(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 required by other conditions attached to this permission, which in all cases shall take precedence.</p> <p>(2) Only clean excavation soils shall be deposited on the application site and following re-grading shall not exceed the levels indicated on drawing number C1003</p> <p>(3) No excavation soils shall be deposited on the application site other than from those derived from the area outlined blue on drawing number 00-010.</p> <p>(4) No development shall commence until details of the method for the protection and maintenance of existing landfill gas monitoring vents within the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented during the development of the site.</p> <p>(5) In the event that contamination not previously identified by the developer prior to the grant of planning permission is encountered during the development, all works on site (save for the investigation works) shall cease immediately and the local planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing by the Local Planning Authority, works shall not commence until either (a) a Remediation Strategy has been submitted 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.</p>

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(6) No development shall commence until a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for traffic associated with the development, details of the times of use of the access, the routing of such traffic to and from the site, workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. The development shall be carried out in accordance with the approved schedule throughout the period of tipping, re-grading and site restoration.

(7) Following the completion of tipping and re-grading operations the site shall be seeded and planted in accordance with a scheme which has received the prior written approval of the Local planning Authority. The approved scheme shall be implemented within the first available planting season.

(8) During tipping, re-grading and restoration, site operations shall at all times be carried out in accordance with the following dust suppression measures:

* All lorries delivering waste to the site shall be sheeted

* Surfaces used by vehicles on site shall be damped down as required during dry weather conditions.

* The surface of filling areas shall be damped down as required during dry weather conditions

* Site operations shall be suspended in extreme windy conditions

Note: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting a highway and any retaining structures. Contact Farhad Khatibi Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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Note: The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from:
www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/coalauthority

Note: The Environment Agency has advised that you should:

- (1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- (2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- (3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater.

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GP3 is available on our website at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>

(4) Refer to our website at; www.environment-agency.gov.uk for more information

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Bellamy, D Firth, S Hall, Pattison, A Pinnock, Lyons and G Turner (7 Votes)

AGAINST: (0 Votes)