

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2021/62/90060/W

Site Address: adj, 9, Station Road, Marsden, Huddersfield, HD7 6BS

Description: Formation of retail unit for the sale of sandwiches and bakery goods (within a Conservation Area)

Recommending Officer: Ellie Worth

DECISION - CONDITIONAL FULL PERMISSION

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: 18th October 2021

Error! Filename not specified.

Officer report

Site description

The application relates to the vacant piece of hardstanding to the north west of no. 9 Station Road, which was formerly used as a beer garden for The Swan Public House. The land is bounded by commercial and residential properties and is situated on the edge of Marsden Local Centre. Boundary treatment consists of dry stone and brick walling.

The site is also sited within Marsden Conservation Area on the Kirklees Local Plan and is within Flood Zone 2.

Description of development

The applicant is seeking permission for the formation of retail unit for the sale of sandwiches and bakery goods. The measurements of the building are as follows:

- 6.5m in depth
- 4.1m in width
- 2.2m in height to the eaves; 3.4m in overall height

The new building would be constructed from coursed stone with stone slate tiles to the roof. Internally the building would provide a small kitchen, with windows being proposed within the front and side elevation to allow for the serving of customers.

History of negotiations/amendments received

Officers have entered into discussions with the agent and therefore various additional information has been sought. This is identified in more detail below:

- The applicants and agents response to consultee comments – received 1st April 2021.
- Sequential test – received 6th September 2021
- Amended floor plans, elevations and site plan – received 6th September 2021
- Flood sequential and exception test – received 6th September 2021.

Relevant Planning History

At the application site:

2019/93156 Partial change of use and alterations from public house to A1/A2 and A3 (within a Conservation Area) – Granted.

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expired: 8th March 2021.

As a result of the above publicity, 4 representations have been received. A summary of the concerns raised are as follows:

General concerns

- Concern over the impact in which the development would have on the value of neighbouring properties.
- Concerns over the new numbering system for the previously converted pub.
- Concerns regarding right of access.
- There is no need for an additional food outlet.
- Concerns regarding the servicing of the unit from the roadside.
- There are no public toilets in Marsden and none provided for the staff.
- The application has not been appropriately advised to residents.
- The development might lead to additional crowds in this area.
- There are already a number of cafes in Marsden.
- The photos provided with the application are not accurate.
- The application does not include information regarding what lighting will be installed or signage.
- There is no mention of providing any additional bins for customers.
- No opening hours have been suggested which means the building could be open until 11pm.

Residential amenity concerns

- The supporting statement does not assess the impact upon neighbouring amenity.
- Impact on neighbours in terms of noise and odour disturbance.

Heritage and visual amenity concerns

- Impact on Marsden Conservation Area.
- The proposal would be built from timber cladding which does not match the stone of nearby buildings.
- The unit would be visually striking.

Parking concerns

- There is a lack of parking for the development and within Marsden Local Centre for existing amenities.
- The location is on a blind bend and there are already problems with buses and other large vehicles.

Whilst amendments have been sought, along with a change to the description, officers did not consider it reasonable to re-advertise the scheme, as the proposal would be less intense than the original description of development. The scheme as initially advertised is considered to have adequately alerted the public to the development for which permission is being applied for.

Consultation Responses

KC Environmental Health: No objection on the basis that conditions regarding the hours of use and the agreed Kitchen Extract Scheme being installed are attached to the decision notice.

KC Public Health: Have recommended that if the application is granted, the business is referred to the Kirklees Food Initiatives Nutrition Education team.

KC Policy: Requested the submission of a sequential test as the development is on the outskirts of Marsden Local Centre.

KC Highways DM: No objection given the small scale of the proposal and its location within a sustainable centre.

KC Conservation and Design: In objection to the original scheme, however, no further comments have been received in relation to amended plans submitted.

KC Crime Prevention: Provided comments to the applicant/agent regarding additional security measures.

The Environment Agency: No comments received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is situated within Marsden Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP13 – Town Centre Uses
- LP16 – Food and Drink Uses and the Evening Economy
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP24 – Design

- LP27 – Flood risk
- LP30 – Biodiversity and Geodiversity
- LP35 – Historic Environment
- LP47 – Healthy, active and safe lifestyles
- LP52 – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1.Principle of development
- 2.Impact on visual amenity
- 3.Impact on residential amenity
- 4.Impact on highway safety
- 5.Other matters
- 6.Representations
- 7.Conclusion

1.Principle of development

LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF

Heritage

The site is located within Marsden Conservation Area on the Kirklees Local Plan. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay

special attention in order to preserve or enhance land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district. On the basis the proposal is concluded to meet the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies LP24, LP35 and Chapter 16 of the NPPF (discussed within the ‘Visual Amenity’ section of this report), the proposal is considered to be acceptable in principle in terms of heritage.

Main town centre uses

A retail unit for the sale of sandwiches and other bakery goods is classed as a main town centre use and in this case, it is noted that the site is located approximately 65m from Marsden District Centre. As such Policy LP13 of the KLP is relevant.

Part A of Policy LP13 states that District Centres should be a local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services. This means that the proposed use would be acceptable in this location.

Nonetheless, Part B of the aforementioned policy states that proposals which come forward for main town centres uses which are located out of the defined centre boundaries will require the submission of a Sequential Test.

In this case, such information was received on the 6th September 2021, whereby the agent has set out the business model, the catchment area and the discounted sites. Furthermore, KC Policy have acknowledged within their response that the latest occupancy service for the area was undertaken in October 2020 which found that there was one sequentially preferable site at 20 to 26 Peel Street. However, this site is significantly larger than the proposed development and therefore has been discounted for this reason.

As such, the Sequential Test is considered satisfactory and therefore the edge of centre location can be supported in this instance. This would be read alongside the recent occupation of the small retail outlets within the former Swan Public House.

Lastly to comply with Part C, officers have noted that due to the small scale of the proposal, an impact assessment will not be required.

Food and drink economy

Alongside the above, Policy LP16 of the KLP is also relevant. In this case, KC Policy have recorded that of the 12 shops recorded as a leisure service, 2 are hot food takeaways. This equates to 6.5%. If the proposal was implemented this would take the number in the area to 9.7%. Therefore, the proposal is not considered to result in the overconcentration of food outlets in this area, compliant with Policy LP16a of the KLP.

Alongside the above careful consideration must be given to points b – g of Policy LP16 and therefore the Councils Environmental Health Service and Designing out Crime Officer have respectfully been consulted. In this case, the impact of odour and potential for anti-social behaviour are considered to be acceptable, subject to the recommended conditions detailed within their consultation responses below.

In addition, the highways development management team have raised no concern, as the site is considered to be situated within a sustainable location. Therefore, having taken into account the above, officers consider the scheme to conform with the aims of Policy LP16 of Kirklees Local Plan.

Conclusion

Taking account of the setting of the development within a Conservation area and an edge of town centre location, subject to the inclusion of recommended conditions the proposal is considered to be acceptable in principle in accordance with the aforementioned policies.

2. Impact on Visual Amenity

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.*

In this case, initial concerns were raised regarding the design and materials proposed for the new building. As initially proposed the building was of a flat roof design and a mix of timber cladding and stone. As such, amendments have been sought to demonstrate a simple dual pitched structure which will be constructed from natural stone with a slate tiled roof. This type of development would be in keeping with the neighbouring built form and therefore is considered to be in keeping with the environment.

In terms of the size and scale of the new building, this would be approximately 6.5m in depth, by 4.1m in width, with an overall height of 3.4m. The submitted plans show the development to sit comfortably within the site, which would not result in its overdevelopment. The existing dry stone wall along the sites frontage would also be retained as part of this proposal, which is considered to be a beneficial element of the scheme given boundary treatments can form important features within conservation areas.

In terms of openings, two windows and a pedestrian door are proposed. These have been considered reasonable and therefore no concern is raised.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Marsden Conservation Area. In this case, it has been noted that the development has been sensitively designed, in order to keep in with the surrounding built form. Its limited size and scale would also ensure that it does not appear overly prominent within the wider area. The existing dry stone wall to the sites frontage would also be retained. As such, officers are satisfied that there would be no significant impact upon the Conservation Area.

Furthermore, the public benefits would be that the use would support the rural economy, by creating a new food outlet within a sustainable area in which attracts a number of tourists. This would enhance the local economy and therefore the public benefits are considered to outweigh the less than substantial harm.

For these reasons, the proposed development would not cause detrimental harm to the visual amenities of the locality, in accordance with Policies LP24 and LP35 of the KLP and Chapters 12 and 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Impact on residential amenity

Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In this case, the nearest residential properties to the site are no's 7 and 9 Station Road. With regards to overbearing, overshadowing and overlooking, the proposed built form would be situated to the North West of no. 9 which does not host any openings within its side elevation. A separation distance of approximately 2.7m would be retained from the rear elevation, however, given

the oblique angle of the development in relation to this property, and the fact that it would be single storey, the impact upon this property is not considered to be detrimental.

Alongside the above, the Council's Environmental Health team have also been formally consulted, raising no objection as the supporting information states that the outlet would only serve hot and cold drinks, light snacks such as sandwiches, paninis, cakes and ice creams. As such, the proposed domestic kitchen extract system will discharge into the yard, however it is expected that noise levels caused by this would be minimal. Nonetheless, significant concerns would be raised if any subsequent changes in the mode or type of cooking be made in the future, that this may increase odours likely to cause a nuisance to neighbouring properties. As such, a condition will be attached to the decision notice to protect neighbouring amenity.

Furthermore, given the close proximity of the development to nearby residential properties, officers concerns are with the noise caused by customers due to the late-night opening times. More specifically, Marsden is known locally for its links to the Real Ale Trail and Environmental Health Officers concerns regarding the late-night opening is that it will attract rowdy passing trade heading up to the train station. Therefore, as a light snack takeaway, there appears to be no reason why it should need to open so late at night and therefore a condition will be attached to the decision notice with more appropriate hours of use. These would be between the hours of 08:00 to 18:00.

Lastly, given the close relationship in which the building would have with the occupiers of no.9, a condition will also be attached to the decision notice to restrict any external lighting, unless a scheme has been submitted and approved by the LPA. This is to reduce any potential light pollution, in accordance with Policy LP52 of the KLP.

For these reasons, the proposal is not considered to give rise to any adverse impacts on neighbouring amenity and as such, is acceptable. It is therefore concluded that the application would comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Impact on highway safety

Given the nature of the proposal, KC Highways DM have been formally consulted. In this case, no objection has been raised as the development would be small scale and within a sustainable location easily accessible by foot / public transport. For these reasons, no off street parking is considered to be necessary and the proposal is considered to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the aims of the Highways Design Guide SPD.

5. Other matters

Ecology

The site currently forms part of an area of hardstanding. As such, it is considered to be of low ecological value and therefore the works would not impact upon roosting bats. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

Trees

KC Trees have been informally consulted as part of this application, raising no objection as the building would be constructed on an area of existing hardstanding. As such, the works are unlikely to impact upon any established roots. Also given that the building would be retained at single storey it would not conflict with the high canopies.

For these reasons the proposal is considered to comply with Policy LP33 of the KLP.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. Nonetheless, the building would be constructed from natural stone in which is a local and energy efficient material. The proposal would also provide a food outlet within the centre of Marsden, which is considered to be in sustainable location.

Private rights of access

As outlined within the representations, concerns are raised regarding neighbouring rights of access to the rear of the site. In this instance, the development does not appear to restrict users rights of access and therefore if further advice is sought, private legal advice would be required.

Crime and Disorder

Hot food takeaways can become the focus for crime and antisocial behaviour or contribute to these problems in the wider area. Upon consultation West

Yorkshire Police have raised no objections and therefore the scheme is considered to comply with the aims of Policy LP24 of the KLP.

Public Health

LP47(j) aims to manage the location of food outlets. The reasoning is to limit access to energy-dense food in order to encourage individual consumers to make healthier choices in what they eat, and thereby discourage the development of obesity and related health issues including risks of developed chronic heart disease and type 2 diabetes.

The provision of hot/cold food takeaways in any one local centre, both in absolute numbers and as a percentage of all units, is therefore important in assessing public health impacts. Whilst there are a couple of existing takeaways located within Marsden local centre, it is considered that the concentration of them is not exceptional in this location. It is therefore considered that the development would not contribute towards the poor health or health inequalities to an unacceptable degree and would thereby comply with the aims of Policy LP47(j) and Planning Practice Guidance on Health and Wellbeing.

Nonetheless, a note will be attached to the decision notice to advise the applicant to contact the Council's FINE (Food Initiatives and Nutrition Education) Team.

Flood risk assessment

The application site is situated within Flood Zone 2 and therefore a Flood Risk Assessment (FRA) has been submitted (dated Jan 2021) along with a Sequential Test. In this case, the sequential test identifies the reasons for locating the building within the site, due to the applicants ties with the area, especially the Swan Pub with which it would be associated with. The statement also outlines that to situate the building within a different area of the local centre, would mean that the development would fall into flood zone 3, which would have a similar / worse impact in terms of flood risk. As such, officers are satisfied with the sequential test, as it meets the aims of national and local planning policy.

With regards to the mitigation measures, these have been identified within paragraph 3.1 of the FRA, to minimise both the risk of flood within the building and also damage to the building should water enter it.

Therefore, having assessed the measures put forward, the scheme is considered acceptable and would therefore comply with Policy LP27 of the KLP and Chapter 14 of the NPPF.

6. Representations

As a result of the above publicity, 4 representations have been received. A summary of the concerns raised, along with officer comments are as follows.

General concerns

- Concern over the impact in which the development would have on the value of neighbouring properties.
Comment: This is not a material planning consideration and therefore cannot be taken into consideration.
- Concerns over the new numbering system for the previously converted pub.
Comment: This is not a material planning consideration and therefore cannot be taken into consideration.
- Concerns regarding right of access.
Comment: This is not a material planning consideration and therefore cannot be taken into consideration.
- There is no need for an additional food outlet.
Comment: This representation has been noted.
- Concerns regarding the servicing of the unit from the roadside.
Comment: A full assessment upon the impact on residential amenity can be found within section 3 of the report.
- There are no public toilets in Marsden and none provided for the staff.
Comment: This is not a material planning consideration and therefore cannot be taken into consideration.
- The application has not been appropriately advised to residents.
Comment: The application has been advised by site notice, neighbour notification letters and the press in accordance with the Council's adopted procedure.
- The development might lead to additional crowds in this area.
Comment: This has been noted and assessed by KC Crime Prevention.
- There are already a number of cafes in Marsden.
Comment: This has been noted.
- The photos provided with the application are not accurate.
Comment: This has been noted, however, a site visit has been undertaken by officers and it is considered suitable information has been provided / gathered by officers to enable a decision to be made in this case.
- The application does not include information regarding what lighting will be installed or signage.

Comment: This has been noted and therefore any future signage or lighting may require a separate planning application/advertisement consent.

- There is no mention of providing any additional bins for customers.
Comment: This has been noted.
- No opening hours have been suggested which means the building could be open until 11pm.
Comment: This concern has been noted and therefore a condition will be attached to the decision notice controlling the hours of use.

Residential amenity concerns

- The supporting statement does not assess the impact upon neighbouring amenity.
- Impact on neighbours in terms of noise and odour disturbance.
Comment: A full assessment upon the impact on residential amenity can be found within section 3 of the report.

Heritage and visual amenity concerns

- Impact on Marsden Conservation Area.
- The proposal would be built from timber cladding which does not match the stone of nearby buildings.
- The unit would be visually striking.
Comment: A full assessment upon the impact on heritage and visual amenity can be found within section 2 of the above report.

Parking concerns

- There is a lack of parking for the development and within Marsden Local Centre for existing amenities.
- The location is on a blind bend and there are already problems with buses and other large vehicles.
Comment: KC Highways DM have been formally consulted as part of this proposal, raising no objection. This is due to the site being situated within a sustainable location, whereby on site parking would not be required. As such, their conclusion is that the development is unlikely to impact upon the local highway network, over and above the existing situation.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/90060

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP13, LP16, LP20, LP21, LP24, LP27, LP35, LP47 and LP52 of the Kirklees Local Plan and Chapters 7, 8, 12, 13, 15 and 16 of the NPPF.

3. The building hereby approved shall be constructed from coursed stone with a stone slate tiled roof. The development shall thereafter be retained with this material and finish.

Reason: In the interests of visual amenity and heritage, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework and Chapter 12 of the NPPF.

4. Notwithstanding the details submitted as part of the supporting statement, the use hereby approved shall not be operated outside of the hours 08:00 to 18:00 everyday and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on a Sunday or a Bank Holiday.

Reason: In the interests of the protection of the amenity of surrounding residential properties from noise and disturbance at unsocial hours and to accord with Policies LP16, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Before any food cooking commences, other than reference to house of operation the domestic kitchen extract system as specified in the section titled 'Environmental Health' of the submitted document titled 'Response to consultee comments made on planning application for food outlet at former Swan public house, Station Road Marden' (dated 29/03/21) shall be installed and operational. The kitchen extract system shall thereafter be retained and operated at all times during the preparation and cooking of food and maintained in accordance with the manufacturer's instructions and as detailed in the submitted document.

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 and Chapters 12 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall be operated in accordance with the mitigation measures outlined within paragraph 3.1 of the Flood Risk Assessment (dated January 2021) and such measures shall be retained thereafter.

Reason: To minimise risks to future occupants arising from flooding of the site, and to accord with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained whilst ever it remains in situ.

Reason: In the interests of the amenity of neighbouring occupiers and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims National Planning Policy Framework.

8. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the building/site shall be restricted to those falling within use class E(B) of Part A of Schedule 2, of the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted at the site.

Reason: For the avoidance of doubt as to what is being approved by this permission and to ensure that the development would have an acceptable impact on highway safety and residential amenity, in accordance with Policy LP21, LP24 and LP52 of the Kirklees Local Plan and the aims National Planning Policy Framework.

NOTE: Noisy construction related activities shall not take place outside the hours of: • 08:00 to 18:00hrs Mondays to Fridays • 08:00 to 13:00hrs Saturdays • With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional 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.

NOTE: Kirklees Food Initiatives and Nutrition Education (FINE) Project can offer FREE one-to-one support and consultancy or specific masterclasses (minimum number of businesses required) to fast food take-aways across Kirklees to enable them to assess where they can make improvements and implement positive change within their business. Requests for support to: Kirklees FINE Project 01484 221000 (ask for FINE Project) or email: fine.project@kirklees.gov.uk

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Flood risk assessment	Dated Jan 2021	-	22 nd January 2021
Design, access and heritage statement	Dated Jan 2021	-	22 nd January 2021
Response to consultee comments	-	-	6 th April 2021
Sequential test for main town centre use	Dated August 2021	-	6 th September 2021
Sequential test for flooding	Dated August 2021	-	6 th September 2021
Location plan and proposed site plan, floor plan and elevations	SW 02 B.	-	6 th September 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, officers have entered into discussions with the agent and therefore various additional information has been sought.

Dated 13th October 2021.