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:	**2022/62/91835/W**
Site Address:	Bargate Works, Bargate, Linthwaite, Huddersfield, HD7 5QW
Description:	Demolition of existing structures and erection of two new commercial buildings
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.

Stuart Howden

AUTHORISED OFFICER

Date: 31st October 2022

Officer report

Site description
The application relates to an industrial yard, in which currently benefits from commercial buildings, one of a semi-circle design and the other with a gable roof. There is also a portakabin structure to the North West. The site is currently used to repair and refurbish commercial equipment and machines. Access is taken from the hardstanding onto Bargate.

The site is situated within a mixed-use area, surrounded by commercial and residential properties. The site is also situated within Linthwaite Conservation Area and is adjacent to a woodland (Wildlife Habitat Network Corridor) to the North.

Description of development
Planning permission is sought for the demolition of some of the existing structures and erection of two new commercial buildings. These include buildings A and C. The measurements of each new building is as follows:

Building A:
- 15m in width
- 12m in depth
- 4.3m in height to the eaves; 5.9m in overall height

Building C:
- 9m in width
- 8.8m depth
- 4.2m in height to the eaves; 5.4m in overall height

The new buildings would be constructed from profiled sheeting and would be finished in a dark green colour.

The structures would provide replacement buildings for the existing commercial use.

No amendments/alterations are proposed to building B.

History of negotiations/amendments received
A Bat Survey has been received during the course of this application, however, no amended plans have been sought. This was received on 30th September 2022.

Relevant Planning History
<u>At the application site:</u>
2022/93131 Work to trees within a conservation area – Pending consideration.
2004/91295 Use of site for vehicle dismantling – Granted.
95/90096 Erection of workshop building – Granted.
92/05430 Erection of security fence – Granted.
92/04420 Erection of security fence – Refused.

92/05431 Variation of condition 7 relating to visibility splays on previous permission 92/02398 for the erection of warehouse – Granted.
92/02398 Erection of warehouse – Granted.

No recent planning permission to neighbouring sites.

Representations
The application has been advertised via a site notice, neighbour notification letters and press notice.
Final publicity expires: 27th July 2022.
As a result of the above publicity, one representation has been received raising general comments. A summary of the comments made are as follows:

- We generally welcome the proposed plans as we hope it will vastly improve the visual aspect for residents on Bargate who overlook the site.
- Although we do have a couple of respectful suggestions including, sound proofing to the rear of Building A and the second being the colour of the external clad being a shade of dark green to blend in with its rural settings.

Consultation Responses
KC Environmental Health: No objections subject to conditions being attached to the decision notice regarding noise levels from the premises and the finding of unexpected land contamination. A note is also requested regarding the protection of drinking water to nearby residential properties.

KC Ecology: Following the submission of a bat survey, no objections are raised, subject to the imposition of conditions.

KC Conservation and Design: No objections to the proposal.

KC Trees: No objections to the proposal.

KC Highways DM: No formal comments received.

The Environment Agency: No objection, however, propose that a footnote is attached to the decision notice regarding the need for an Environmental Permit.

Whilst part of the site is within a Canal and River Trust consultation area, given the nature of the works it is considered that it was not necessary to consult the Trust as the canal would not be affected by such developments with reference to consultation advice on the Canal and River Trust website.

Planning Policy Background
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 Linthwaite Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP)
- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of new Development
- LP7 – Efficient and Effective use of land and buildings
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP51 – Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and unstable land

Other Guidance Documents:
- Kirklees Highways Design Guide (2019)

National Polices and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. In this instance the chapters of most relevance include:

- Chapter 2 – Promoting sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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
The site is located within Linthwaite Conservation Area. 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 the character and setting of listed buildings or 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 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. Policy LP24 of the KLP is also relevant and states that "good design should be at the core of all proposals in the district.

Chapter 6 of the National Planning Policy Framework also states that *"planning decisions should help create the conditions in which businesses can invest, expand and adapt".* In this case the proposed development complies with the aim of paragraph 81 of the NPPF as it would result in the being re-developed for its existing commercial use. This being to repair and refurbish commercial equipment and machines (light industrial).

Therefore, given that the works are just to replace the existing buildings, rather than a change of use for the site, Officers could potentially support the principle of development; but this is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These matters will be discussed below

2. Impact on visual amenity and heritage
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'.*

The application site is situated within a mixed use area, as it is adjacent to an existing car sales yard to the West, along with residential properties to the East. In this case, the proposed buildings would replace existing tired structures, which would be more in keeping with the surrounding built form.

The replacement of Building A would be relatively larger in its footprint, however, its overall built form would be retained at single storey. This building, as shown on the proposed site plan would also be situated on a slightly lower level than Building B and therefore it would not appear overly dominant within the application site.

Building C would also be smaller in overall height than the existing portakabins, however, it would be relocated further to the South West of the site. The proposed dual pitched roofs would also be in keeping with the design features on building B.

Therefore, whilst the buildings would have a functional appearance and would be constructed from profile sheeting, they would appear compatible with those that currently exist and the use of the site.

However, in order to protect visual amenity, a condition will be attached to the decision notice to state that the new buildings (A & C) shall be finished in a dark green profiled sheet. This will allow the buildings to harmonise with the surrounding trees, allowing them to sit more comfortably within the wider landscape.

Roller shutters are proposed to the front elevation of both buildings. This is a common feature for this type of development and therefore no concern is raised.

Historic Environment

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Linthwaite Conservation Area. In this case, KC Conservation and Design Officers have been formally consulted whereby no objection has been raised. Therefore, the works are considered to cause not harm to the significance of the Conservation Area, as the new buildings would be more sympathetic to the surrounding built form. The site would also be obscured by the adjacent woodland to some degree, with the finish of the buildings being in a dark green, to allow them to blend into the sites semi-rural setting.

For these reasons, the proposed buildings would be of a satisfactory design and therefore would accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'

In this case, it has been noted that the nearest residential properties are those situated to the East/South East along Bargate (no.s 4 – 14). Due to the changes in levels, the site being heavily screened by mature trees and sufficient separation distances, Officers are satisfied that the replacement of buildings A and C would not have a material overbearing and overshadowing impact upon these neighbours amenity.

There would also be no undue overlooking for the reasons highlighted above and the fact that no windows are proposed within the rear elevation of building A. As such, the impact on residential amenity from a built form perspective, can be supported.

On the other hand, given the potential for concerns in terms of noise and light pollution, the Council's Environmental Health team have been formally consulted. In this case, Officers raised no objection as the buildings would be like for like in terms of their use, however, a condition restricting the level of noise from the site is considered necessary. This is to allow the combined noise from any vehicle movements, work activity, fixed mechanical services and external plant and equipment from the site to be controlled effectively so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. This will ensure that the combined noise from the whole site is effectively controlled.

A note will also be attached to the decision notice to outline the appropriate hours of construction.

Therefore, for these reasons and subject to the condition identified above, the proposal is not considered to give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. This is to accord with Policies LP52 and LP24 of the Kirklees Local Plan and Chapter 12 and 15 of the National Planning Policy Framework.

4. Impact on highway safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In this case, KC Highways DM have been formally consulted, however, no comments have been received. Nonetheless, Officers have noted that the access would remain as existing, along with the number of employees.

The information submitted within the application form also states that 5 on site parking spaces would be retained, which would be to the North of the site, having reviewed the submitted site plan. This level of on site parking is considered to be adequate with the turning space being improved as part of this proposal. As such, Officers are satisfied that any users could safely manoeuvre within the site, in order to join the highway in forward gear.

As such, the development has been considered acceptable from a highways perspective, subject to a condition being attached to the decision notice to state that any new hardstanding shall be laid in a permeable surface. This is to accord with Policies LP21, LP22, LP28 and LP34 of the KLP and the aims of the Highways Design Guide SPD and Chapter 9 of the NPPF.

5. Other matters

Biodiversity
Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

During the course of this application a bat survey has been submitted at the request of KC Ecology. Having reviewed this information the report details that the site is of negligible suitability for roosting bats, however, a number of recommendations have been laid out. This includes pertinent to nesting birds and the presence of non native species. As such, conditions have been requested, with regards to the location of a bat box, no works to be undertaken between 1st March and 31st August and the submission of an invasive non-native species protocol. This is to accord with Policy LP30 of the KLP and the aims of Chapter 15 of the NPPF. In relation to the time of the works, a planning note can be attached as this is controlled under other legislation.

Contamination
Local Plan Policy LP53 relates to contaminated and unstable land. Given the nature of the application site there is a possibility that the land could be

contaminated. As such, KC Environmental Health have reviewed the application and supporting documents and have concluded that given the scale of the development and its end-use, it would be unreasonable to request full land contamination conditions. However, given that some groundworks are proposed, it is appropriate to apply the condition which identifies the finding of any unexpected land contamination. This is to accord with the aforementioned Policy and Chapter 15 of the NPPF.

Protection of a Drinking Water Supply
The proposed development is less than 150m away from properties which rely on alternative sources of water for their drinking water supply. Any development must ensure that the proposed development does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute as a potential risk to human health. However, this matter is also controlled by other legislation, but an informative will be attached.

Trees
Given that the site is situated adjacent to a woodland, KC Trees have been formally consulted. The proposed demolition and construction of new commercial buildings appear to be within the existing footprint of the built hard surfaces, which minimises any negative effect to the existing trees in terms of root damage or further encroachment into the wooded area.

Although there has been no information submitted in relation to trees, the Officer observed during their site visit that some of the surrounding trees are within a poor condition and overhang the site, likely requiring work to reduce them back. These trees are generally low value and do require work in line with general maintenance. Therefore, any reasonable application submitted to cut them back or undertake any necessary maintenance is likely to be consented.

As such, Officers are in support of the scheme as it would comply with Policy LP33 of the KLP.

Environment Agency
As the site lies within 20m to the River Colne (main river) and therefore, the Environment Agency have been formally consulted. In this case, no objections are raised, however, the applicant would require an Environmental Permit in order to undertake the works. As such, a note to this effect would be attached to the decision notice.

Whilst a minor part of the site is within Flood Zone 2 and 3, given that no development is proposed within these areas it was not considered necessary to request an FRA or sequential test.

Additional footnotes regarding the use of waste on site and waste to be taken off of the site, would also be attached to the decision notice.

<u>Climate change</u>

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 pre-dates 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.

Due to the nature of the scheme electric vehicle charging points are recommended to be provided for at least 10% of non-residential car parking spaces, this would amount to a single EVCP given the scale of the development. This will aid in the contribution to climate change, in accordance with Local Plan Policy LP51.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the comments made are as follows, along with Officer correspondence.

- We generally welcome the proposed plans as we hope it will vastly improve the visual aspect for residents on Bargate who overlook the site.
  Comment: This has been noted.

- Although we do have a couple of respectful suggestions including, sound proofing to the rear of Building A and the second being the colour of the external clad being a shade of dark green to blend in with its rural settings.
  Comment: These suggestions have been noted and in this case, Environmental Health Officers have requested a condition limiting the noise from the premises. Officers also consider it necessary to condition the buildings to be finished in a dark green and therefore, conditions to these effects will be added to the decision notice.

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

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2022/91835
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 specifications 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, LP3, LP7, LP21, LP22, LP24, LP27, LP28 LP30, LP34, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted plans, the profiled sheeting to buildings A and C shall be finished in a dark green. The buildings shall thereafter be retained with this finish.
Reason: In the interests of visual amenity, to preserve the significance of the Linthwaite Conservation Area and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, all areas indicated to be used for access and parking on the hereby approved plans shall be marked out and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for their intended use.
Reason: In the interests of highway safety and to achieve a satisfactory layout, to avoid an increase in flood risk through surface water run-off in accordance with Local Planning Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

5. Prior to construction at the site, a plan detailing the positioning and location of a bat box (Schwegler 1FN or similar) shall be submitted to and approved in writing to the Local Planning Authority. The development shall thereafter be constructed in line with the submitted details.
Reason: To provide an enhancement to biodiversity in line with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning

Authority. The protocol shall detail the containment, control, and removal of Himalayan Balsam and Japanese Knotweed on site. Thereafter the development shall be undertaken in accordance with the approved scheme.
Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fulling integrated into the construction phase.

7. The combined noise from any vehicle movements, work activity, fixed mechanical services and external plant and equipment from the premises shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
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.

8. In the event that contamination, or the presence of coal (or workings) not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the 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.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

9. Prior to the first occupation of the buildings hereby approved, one electric recharging point shall be installed within the dedicated parking. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous

current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point installed shall thereafter be retained.
Reason: In the interest of supporting low emission vehicles and to accord with Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

NOTE: Environmental permit – advice to applicant
This site lies adjacent to the River Colne which is a designated main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

NOTE: Nesting birds/breeding season:
All wild birds, their young, their eggs and active nests are protected under law. It is an offence to damage a nest intentionally while it is in use or being built. Non-urgent major tree work involving tree removal/reduction and hedge cutting operations should not be undertaken during the bird nesting/breeding season, which is considered to be from the beginning of March to the end of August however, depending on seasonal temperatures, some birds do continue breeding into September

NOTE: Use of waste on site
The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice;
- The waste management page on GOV.UK

NOTE - Waste to be taken off-site
Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, 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: Land contamination

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers,*

NOTE: Protection of a Drinking Water Supply – Advisory
The proposed development is within <150m away from properties which rely on alternative sources of water for their drinking water supply. Any development must ensure that the proposed development does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute as a potential risk to human health.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan, existing site plan and sections	01	-	26th May 2022
Proposed site plan	02	-	26th May 2022
Existing and proposed elevations and site plans	03	-	26th May 2022
Heritage Impact Assessment by AK Planning Town Consultancy	-	-	9th June 2022
Bat Survey by Middleton Bell Ecology dated 27th September 2022	MBE/BAT/2022/88/01	-	30th September 2022

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, no amendments were requested, however, a bat survey was submitted on 30th September 2022 which addressed Officer reservations.

Date: 26th October 2022.