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:	**2023/62/90672/W**
Site Address:	Old Railway Goods Yard, Scar Lane, Milnsbridge, Huddersfield, HD3 4PE
Description:	Erection of industrial unit and associated parking (within a Conservation Area)
Recommending Officer:	William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: «Current_Date»

Officer report – 2023/90672
The Old Railway Goods Yard, Milnsbridge

Site Description

The site consists of a plot of unused land situated on land to the north of Scar Lane and accessed by means of a private driveway laid with stone sets. Immediately to the north is a single-storey stone building that formerly served as a railway station. To the north east is vacant land. To the south, and just outside the site boundary, there is a short row of three terraced houses, 42-46 Scar Lane. The wider surroundings of the site are mixed; to the west lies the main part of the Old Railway Goods Yard estate which consists mainly of mostly modern industrial or distribution units, with further residential properties to the east arranged along Royal Terrace. There is a general downward gradient from west to east along Scar Lane.

Description of Proposal

The proposal is for the erection of an industrial unit and formation of associated parking. It is to be 15.6m by 7.6m externally with a south-west to north-east orientation. Height to the ridge of the roof, which is to have a shallow, 20-degree pitch with the direction of pitch being across the width of the building, would be 6.6m. The lowest metre of the walls would be faced in coursed stone; above this it would be timber cladding.

Three parking spaces would be formed on the land to the south-east of the new building and a further two nearer the entrance. A splayed entrance would be formed in front of the building and parking spaces giving access to the cobbled track.

History of negotiations/amendments received

The following amendments were submitted: Changes to materials; improvements at access to the public highway; change to direction of roof pitch. The plans were not re-advertised since they were not considered to raise new issues that would require the opportunity for further public comment.

Draft conditions agreed with the applicant's agent along with an Extension to Time for determination of the application.

Relevant Planning History

98/90896 – Change of use from car storage to car sales and erection of security fencing. Approved and implemented.

2005/90960 – Use of land as secure car park. Conditional full permission.

2009/91509 – Outline application for erection of 14 dwellings. Withdrawn.

2010/93486 – Change of use and alterations to convert existing coal chutes to form 7 dwellings and outline application for erection of 4 dwellings. Conditional full / outline permission.

2019/90373 - (on land to the north and north-east of the site but using the same access). Outline application for the erection of 4 no. industrial units for B1c (light industry) use with associated parking and turning facilities (Within A Conservation Area) – Conditional Outline Permission

2022/91789 (on land to the north and north-east of the site but using the same access). Erection of 4 industrial units for E(g)(iii) light industrial use with associated parking and turning facilities. Awaiting determination.

Representations

Final publicity date expires: 28-Apr-2023. Publicity by site notice and press publicity in addition to neighbour notification letters as the site is in a Conservation Area.

One representation made (objection). A summary of the concerns raised are as follows:

- Increase in traffic on an already busy road with a difficult junction access;

Hours of operation are excessive (7pm Mondays to Fridays, up until 2pm weekends and Bank Holidays) as evenings and bank holidays are currently quiet.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways Development Management – No objection
- KC Environmental Services – Acceptable subject to condition(s)
- KC Crime Prevention – Acceptable subject to condition(s)
- KC Conservation & Design – Have concerns but do not object subject to conditions / amendments
- KC Arboricultural Officer – No objection
- KC Ecology – No objection.

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 site is within land designated a priority employment area within the Local Plan Proposals Map.

- It lies within the Milnsbridge Conservation Area.

- It is within land deemed potentially contaminated owing to its former uses.

- It is within an Indicative Critical Drainage Area.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 8:** Safeguarding employment land and premises
- **LP 20:** Sustainable transport
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 35:** Historic environment
- **LP 52:** Protection and improvement of environmental quality
- **LP 53:** Contaminated and unstable land.

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

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.

- Chapter 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk 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 (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

Policy LP1 of the Kirklees Local Plan (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. LP1 goes on further to stating that:

"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

The site is within land designated as a priority employment area within the Local Plan, within which proposals for employment uses will be supported where there is no conflict with the established employment uses in the area, which means that in principle there is no presumption against development of this type.

The development would, it is considered, make efficient use of land in a sustainable location which would accord with the aims of Policy LP7 of the KLP, and those of paragraph 80 of the NPPF, in supporting economic growth and productivity. It will further be assessed having regard to the aims of the LP policies set out above concerning amenity, highway safety, drainage, trees and environmental issues.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing

the significance of heritage assets and that harm should not be permitted without a proportionate justification. This approach is also supported by Policy LP35 of the Local Plan.

The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments. Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

2 –Impact on visual amenity (including heritage considerations):

The proposal site is situated within the Milnsbridge Conservation Area, directly to the south of a large single storey building constructed in coursed stone with a blue slate roof, dating to the late 19th century and understood to be associated with the railway goods yard. This building is considered to make a modest positive contribution to the Conservation Area. The stone boundary and retaining walls and the adjacent terraced dwellings, 42-46 Scar Lane, also make a modest positive contribution to the Conservation Area but this has been undermined, respectively, by the erection of some unsightly steel fencing at the entrance and the formation of bays to the eastern elevation of no. 42 which do not match the style of the house.

The proposed building is of a simple design which is typical of modern light industrial or distribution units. The plans have been amended during the application process and now make use of a palette of materials that are considered more aesthetically pleasing than those originally proposed, which would have resulted in a building dominated by profiled metal cladding. The change in the direction of the roof pitch is also considered to be an improvement as it would result in a style of roof that would appear more traditional and in keeping with the character and appearance of the local area.

The development would have the effect of partially obscuring the historic building from view, but this is already not highly prominent from the public highway and would not be physically affected by the new development. The development would have the added benefit of tidying up this plot of neglected and unsightly land. It is therefore considered that the development would at least conserve the character of the Conservation Area and would possibly represent a modest enhancement, subject to the amended materials being used to complete the development.

Subject to samples of the stone being submitted for approval, and also details of the roof cladding colour, the proposal would comply with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 199, 200 and 202 of the NPPF and Policies LP24 and LP35 of the Kirklees Local Plan.

3 – Impact on residential amenity:

There are three residential properties in close proximity to the site. The closest of these, no. 46, would be 12m from the new unit measured in a straight line from the centre point of their own rear elevation and 11m at its closest. The recommended minimum distances set out in the Housebuilders' Design Guide (12m from a habitable room window to a blank wall) cannot be strictly applied here as it is not a residential proposal but may be viewed as a guideline. It is noted that the proposed building would be placed on land considerably lower than that of nos. 42-46, as demonstrated on the submitted plans. Taking these factors into account, it is considered that the development would not give rise to an unacceptable loss of light or outlook and that the impact would not be overbearing.

Consideration must be given to any noise from the proposed development affecting the amenity of neighbouring properties. It is noted that the site lies within a Priority Employment Area, among, or close to, other employment-related uses, but that it would also be in close proximity to residential uses. Whilst comment is made in para 4.02 to deliveries being likely to be sporadic and carried out during normal working hours, no information is given on the nature of the business of the proposed occupier. A condition is recommended for a Noise Impact Assessment to be submitted which must consider the day-to-day operations including delivery noise along with any fixed mechanical plant amongst any other noise emissions.

A condition is also recommended to control the hours of use as per para 8.02 with the exception of Sundays and Bank Holidays when no use would be permitted in order to protect the amenity of neighbouring properties. KC Environmental Health recommend the following:

• 0800hrs to 1800hrs Monday to Friday, and
• 0800hrs to 1300hrs Saturday
• With no use permitted on Sunday and Bank Holidays
There shall be no deliveries to or dispatches from the premises, outside these hours.

The hours proposed on the application form extend until 7pm weekdays, and 8am to 2pm weekends, but the restriction of hours as set out above has been agreed in writing with the agent.

No new outdoor lighting is proposed as part of the development. For the avoidance of doubt and to guard against the possibility of inappropriate lighting leading to loss of amenity, it is however recommended that a condition be added to the effect that no outdoor lighting be installed without full details being first approved by the LPA.

It is considered that subject to the above conditions the development would not give rise to any loss of residential amenity or other environmental

problems and would accord with the aims of policies LP24b and LP52 of the KLP and chapter 15 of the NPPF.

4 – Impact on highway safety:

Highways Development Management's original comments were that the existing access is sub-standard and unsuitable for any further intensification in use. However, there is a recent [permission] for the erection of three new industrial units on the northern and eastern parts of the estate which Highways DM had supported subject to access improvements.

The following access improvements are shown on the current plans:

i. Existing cobbles within the private driveway to be replaced by new carriageway construction to Kirklees specifications;
ii. Proposed kerbing, within site and adjacent parts of the carriageway edge;
iii. Proposed road markings to redefine the edge and centre line of the carriageway.

The access improvements would be on highway land and would not necessitate carrying out works to private land not in the applicant's ownership.

It is considered that for a development of this scale, the provision of secure cycle storage is not essential.

The plans and supporting documents do not clearly indicate how refuse disposal is to be undertaken. The amounts of waste, and consequently the amount of space required for its storage, will depend upon the end user of the unit, and storage could take place within the unit rather than outside. Methods of waste collection will presumably be as they are for the existing business on site, which according to the design and access statement is occupied by a car mechanic.

Subject to prescriptive conditions on the formation of the parking areas, the access works and their subsequent retention, the development would protect highway safety and accord with the aims of Policies LP20-22 of the KLP.

5 – Other matters:

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 applicant's Climate Change Statement proposes the following measures:

- The building will not be heated;
- Roof panels will be insulated;
- Low-energy light fittings;
- Installation of an electric vehicle charging point.

The installation of a single electric vehicle charge point (mentioned in the statement) can be the subject of a prescriptive condition in the interests of encouraging low-emission methods of transport. It is considered on balance that given the scale of the development and as it would be faced in timber boarding which is likely to have a lower embodied energy than mortared stone or brick, the applicant will not be required to demonstrate further measures to mitigate climate change. The proposal is considered to accord with the aims of policy LP24(d) of the KLP and Chapter 14 of the NPPF.

Contaminated land:
The site lies adjacent to potentially contaminated land (map ref 263/9). A condition is recommended for a Phase I report (and subsequent reports where the findings of the Phase I recommend it) to be submitted in the interests of preventing pollution of the environment in accordance with the aims of policy LP53 of the KLP.

Drainage:
The site is not within an area known to be at risk from flooding, or a critical drainage area. Under Policy LP28 of the KLP, new development should preferably ensure that existing run-off rates are not exceeded (for greenfield development) or reduced by 30% (for brownfield development). In practice this is not usually applied for minor applications that are below the scale threshold requiring a drainage strategy for validation.

The application form proposes direct mains disposal of surface water. Given the scale of the development and the contribution it would make to run-off, it is considered that this, whilst not the most sustainable option, is not a cause for concern and that to compel the developer to provide attenuation storage would be disproportionate.

It is recommended however that the parking spaces should be provided with permeable surfacing in the interests of minimising the development's contribution to run-off and consequent flood risk as far as is reasonably practicable.

Trees and biodiversity:
The site is in the bat alert layer but is not within any other designation for ecological purposes and is considered to have negligible biodiversity value. There is one mature tree within the site which is protected by virtue of being within a Conservation Area but is not considered to be of high quality. Under Policy LP30 and Chapter 15 of the NPPF, all new development should deliver a net gain in biodiversity where practicable. In this instance it is considered that the proposal is unlikely to provide any opportunity for enhancement because there is no associated undeveloped land except for the banking, which would be heavily shaded, and any habitat boxes installed on the

building would be liable to experience high levels of disturbance. The Climate Change Statement does however propose that the banking will be left as scrub and that the tree will be coppiced. This will at least allow the retention of the existing biodiversity value. It is therefore considered that no conditions relating to trees or biodiversity are required and that the proposal complies with the aims of LP30 and 33.

Crime and security
The Designing Out Crime Officer has not raised any site-specific security concerns but has requested that a condition is imposed requiring details of anti-crime measures including, but not limited to, boundary treatments and CCTV. It is acknowledged that in this location the building would not experience a strong level of passive surveillance although the site and the surrounding area would be overlooked by the rear windows of the dwellings fronting Scar Lane. It would also have no windows accessible from ground floor. It is considered that as it is not a type of development that is either likely to be particularly vulnerable to crime, or to give rise to more criminal activity in the local area, that such a condition would be disproportionate and will not be imposed, notwithstanding the aims of Policy LP24 and Chapter 8 of the NPPF.

6 – Representations:

Concerns relating to highway safety and residential amenity have been examined earlier in the report but are highlighted here with officer responses:

One representation made (objection)

- Increase in traffic on an already busy road with a difficult junction access;

Hours of operation are excessive (7pm Mondays to Fridays, up until 2pm weekends and Bank Holidays) as evenings and bank holidays are currently quiet.
Response: It is considered that with the improvements shown on the site plan (which the applicant has agreed to and can be conditioned) the local highway network would be capable of taking on the additional traffic generated by this relatively small industrial unit. The hours of operation allowed for this development shall be in accordance with those recommended by Environmental Health, which are slightly reduced from those the applicant originally proposed. Again the applicant has confirmed acceptance of this.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2023/90672**

Officer Recommendation: CONDITIONAL FULL PERMISSION

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 Policy LP24 and LP35 of the Kirklees Local Plan.

3. Before work on the building above foundation level commences, samples of the external facing materials to be used, and – notwithstanding the colour shown on the approved plan - the finish colour of the roof cladding, shall be left on site for the inspection of / submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out using the approved materials.
Reason: To ensure the satisfactory appearance of the development on completion, to ensure that the development conserves and enhances the character of the Milnsbridge Conservation Area and to accord with the aims of Policy LP24 and LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Before any part of the development is first brought into use, all areas indicated to be used for the parking of vehicles on the site plan as proposed shall have been formed and laid out with a hardened and drained surface. Any new hardstanding shall be 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 (ISBN 9781409804864) as amended or any successor guidance, unless arrangements have been made to direct run-off water to a soakaway or sustainable drainage system within the site. These areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure adequate space within the site for parking in the interests of amenity and traffic safety, to minimise contribution to flood risk arising from water run-off from the site, and to accord with the aims of Policies LP21-22 and LP28 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Before the new building is first brought into use, the cobbled surface of the driveway, where indicated by grey shading on the site plan, shall be replaced by an alternative carriageway construction, details of which shall be submitted to and approved in writing by the Local Planning Authority before works on the driveway commence. This, and the other access improvement works shown on the approved site plan, comprising the kerbing and road markings, shall be implemented before the new building is first brought into use and thereafter retained as such.
Reason: To ensure that highway safety is not compromised through increased vehicular traffic to and from the site arising from the development, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

6. A minimum of one electric vehicle recharging point shall be installed within one of the parking spaces as shown on the plan before any part of the development is first brought into use. 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 so installed shall thereafter be retained.
Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

7. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all of the noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation
The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: This is a pre-commencement condition to ensure that potential noise emissions can be investigated and, if appropriate, mitigation measures imposed during construction, to ensure that the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, to comply with the aims and objectives of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Notwithstanding the details contained within the application form, no activities shall be undertaken within the proposed building outside the hours of:

• 0800hrs to 1800hrs Monday to Friday, and
• 0800hrs to 1300hrs Saturday
• With no use permitted on Sunday and Bank Holidays
There shall be no deliveries to or dispatches from the premises, outside these hours.
Reason: To ensure that the proposed uses does not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to ensure that potential contamination can be investigated in the interests of the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to ensure that potential contamination can be investigated in the interests of the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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.
Reason: This is a pre-commencement condition to ensure that potential contamination can be remediated in the interests of the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. 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 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. 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.
Reason: In the interests of the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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. 183 and 184 of the National Planning Policy Framework

14. No external lighting shall be installed until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:
a) The proposed hours of operation of the lighting
b) The location and specification of all of the luminaires
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.
The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 12 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

NOTE: Artificial lighting
The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Note

01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

NOTE – Contamination reports
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.
The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Bats. There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Construction Site Working Times – Footnote
It is recommended that noisy construction related activities should not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00hours Saturdays
With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote
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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			01-Mar-2023
Location plan			01-Mar-2023
Site plan and elevations as existing	2257-01	A	15-Jun-2023
Site plan and elevations as proposed	2257-02	C	22-Aug-2023
Design & access statement			01-Mar-2023
Climate change statement			01-Mar-2023
Tree report	Holme Valley Arboriculture		01-Mar-2023

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 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. The case officer undertook negotiations with the applicant to secure changes to external materials, improvements at access to the public highway and changes to roof design. The plans were not re-advertised since they were not considered to raise new issues that would require the opportunity for further public comment.

Pre-Commencement Conditions were agreed in writing with the Agent.

Report Dated: 25-Aug-2023