

**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:	<b>2023/62/92347/W</b>
Site Address:	Longley Park Motors Ltd, The Triangle, Paddock, Huddersfield, HD1 4RU
Description:	Partial demolition and rebuild on the same footprint as the original structure. Works to include the removal of the first floor offices and the canopy over the former petrol station pumps. New materials used in construction are to match the existing. Change of use to include vehicle car rentals and sales.
Recommending Officer:	Lucy Taylor

**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.**

Julia Steadman

***AUTHORISED OFFICER***

**Date:** 04/07/2024

## **Officer Report.**

**Reference:** 2023/92347

**Location:** Longley Park Motors Ltd, The Triangle, Paddock, Huddersfield, HD1 4RU

**Proposal:** Partial demolition and rebuild on the same footprint as the original structure. Works to include the removal of the first-floor offices and the canopy over the former petrol station pumps. New materials used in construction are to match the existing. Change of use to include vehicle car rentals and sales.

## **Site Description.**

Longley Park Motors Ltd formally functioned as a car sales commercial unit and is now currently vacant. The site sits within a corner plot, at the junction between the highways of Queen Mary Street, Market Street and Gledholt Bank.

A culverted watercourse is present at the site.

## **Description of Proposal.**

Planning permission is sought for the partial demolition and rebuild on the same footprint as the original structure.

Works will include the removal of the first-floor offices and the canopy over the former petrol pumps.

New materials of construction are to match existing.

Permission is also sought to change the use to include vehicle car rentals and sales.

Officer's note that any advertisement / signage will not be dealt with under the determination of this planning application, as separate Advertisement Consent is sought under application reference 2023/92348.

## **Relevant Planning History.**

- 86/03663 – Erection of illuminated sign. *Consent Granted.*
- 86/04186 – Erection of extension to garage workshop. *Granted Conditionally.*
- 93/02852 – Erection of illuminated sign. *Consent Refused.*
- 93/04806 – Erection of non-illuminated sign. *Consent Granted.*

- 94/90694 – Alterations to roof and installation of cladding. *Granted Conditional Full Permission.*
- 98/92355 – Erection of illuminated fascia sign, pylon and entrance module. *Advertisement Consent Granted.*
- 2002/93099 – Erection of extension to form workshop bay and replacement valeting bay and parts store. *Granted Conditional Full Permission.*
- 2012/90135 – Erection of illuminated signs. *Consent Granted.*
- 2015/91179 – Erection of 2 no. illuminated signs and 1 no. non-illuminated sign. *Consent Granted.*
- 2023/92348 – Advertisement Consent for erection of illuminated signs. *Pending determination.*

### **History of Negotiations/Amendments Received.**

Following a consultation response from KC Lead Local Flood Authority, the planning agent / applicant submitted revised plans and the description of proposal was resultantly altered accordingly.

The description of proposal was altered from:  
 'demolition of existing car sales building, associated canopy and forecourt. Levelling of site, installation of cabin, construction of vehicle wash bay, installation of vehicle barriers, drainage and hardstanding works. Change of use to include vehicle car rentals and sales'.

To:  
 'partial demolition and rebuild on the same footprint as the original structure. Works to include the removal of the first floor offices and the canopy over the former petrol station pumps. New materials used in construction are to match the existing. Change of use to include vehicle car rentals and sales'.

As a result of the amendments, the application was re-advertised via new neighbour notification letters.

### **Representations.**

The application was publicised in accordance with statutory publicity requirements, via neighbour notification letters.

Final publicity date expired: 14<sup>th</sup> March 2024.

No representations were received.

### **Consultation Responses.**

**Canal & River Trust** (formal) – no comment.

**KC Highways Development Management** – The proposals are considered acceptable subject to the access along the Market Street being permanently closed and the footway reinstated.

**KC Lead Local Flood Authority** – No objection, subject to a condition regarding the submission of information regarding the condition of the culvert.

**KC Environmental Health** – no objection subject to conditions and informatives regarding noise, hours of use and contaminated land.

Officer Note: It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

### **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 27<sup>th</sup> February 2019).

A culverted watercourse is present at the site.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The council's record indicate that the proposed development site is on an area identified as potentially contaminated land use due to its historical land use/s (site reference: 323/9).

### **Kirklees Local Plan:**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 4 – Providing infrastructure
- LP 7 – Efficient and effective use of land and buildings
- LP 13 – Town centre uses
- LP 20 – Sustainable travel
- LP 21 – Highways and access
- LP 22 – Parking

- LP 24 – Design
- LP 25 – Advertisements and shop fronts
- LP 27 – Flood risk
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

### **Supplementary Planning Guidance:**

- Highways Design Guide SPD

### **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 December 2023, 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Assessment.**

The following matters are considered in the assessment below: -

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

#### **1) Principle of Development**

### Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“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.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

The dimensions of sustainable development will be considered throughout the assessment of this proposal.

### Change of Use:

The application seeks approval to change the use of the site from car sales to vehicle car rentals and sales.

It is considered that the former use of the site for the purposes of car sales and the proposed use of the site for vehicle car rentals and sales would fall within the same use class, Sui Generis.

Officer's note that the site benefits from full Permitted Development Rights and therefore, given that the proposed change of use is to remain within the same use class, it is likely that this part of the proposal could be carried out under Permitted Development. However, the external building work proposed to be associated with this change of use does require planning permission.

Officer's also note that, given the nature of the commercial use of the building and the scale of the site and operations, it would not be classified to serve as

a main town use. As such, the proposal is not considered to pose detriment to the vitality and or viability of nearby centres.

An assessment of the external building work in relation to material planning considerations is set out in the following sections of this report.

### **1) 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'*.

The external alterations proposed as part of this application would bring about an overall reduction in the extent of built form at the site, with the removal of the first-floor offices and the removal of the canopy over the former petrol station pumps. In addition, any developments to be erected will be on the existing footprint, including the new wash bay, which will be constructed on the existing slab of a section of existing showroom.

It should be noted that new materials of construction are to match existing and upon any grant of approval, a condition shall be imposed to ensure this.

The changes are not considered to alter the character of the site in the context of the surrounding area, given the site formally functioned as car sales and is to function as vehicle car rentals and sales under this application.

With the inclusion of the aforementioned condition, the proposal is considered to appropriately comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Whilst officer's note that the plans show alterations to the building with regards to advertisement / signage, this is not being considered within the consideration of this application, as such development is controlled by the requirements of the advertisement consent regulations.

### **2) Impact on Residential Amenity**

Paragraph 135 of 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'.*

No.'s 12 and 14 Market Street are located to the west of the site, Granby flats are located to the north west of the site and residential properties are located opposite the site, across the highway of Market Street. Given that the proposal seeks to use the site within the same use class as the former use and that the resultant scheme would result in a reduced extent of built form to that which currently sits on the site, it is not considered that the proposal would result in any undue impacts to the occupiers of these properties with regard to overbearing, overshadowing or overlooking.

It is considered that all other properties within the vicinity of the site would be a sufficient distance away from any properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Officers again emphasise that advertisements / signage are not dealt with under the determination of this planning application, requiring separate Advertisement Consent.

With regard to impacts of noise, the vehicle wash bay would be located nearest to residential accommodation on Market Street. A condition is recommended for the submission of a Noise Management Plan to be submitted which should address all noise emissions from the use of the bay in order to protect the amenity of the occupiers of neighbouring properties.

Further to this, no details of the proposed hours of use have been provided as part of the application, therefore, upon any grant of approval, a condition shall be included to limit the hours of use to those permitted, as recommended by KC Environmental Health, to ensure that the development does not give rise to the loss of amenity to nearby residential properties.

With the inclusion of the aforementioned conditions, the development is considered to appropriately comply with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 15 of the NPPF.

### **3) 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 to highway safety and provide sufficient parking. Paragraph 115 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.

As part of the determination of this planning application, a formal consultation was undertaken with KC Highways Development Management. The formal consultation response from KC Highways Development Management made the following comments:

- In terms of traffic generation, the proposed use is likely to generate similar vehicle trips to the existing use so there would be minimal traffic impact.
- The internal layout is acceptable. Upon any grant of approval, a condition should be imposed to ensure that the approved vehicle parking areas be surfaced and drained appropriately.
- The proposals intend to use the existing vehicle accesses on Allen Row and are unlikely to significantly intensify the use of this road.
- There is an existing dropped kerb along the frontage of the site on Market Street which was used previously to access a forecourt to the site. This access will be made redundant as part of these proposals and, as a result, the access will need to be permanently closed and the footway along this frontage reinstated. Upon any grant of approval, a condition should be imposed with regard to this access remaining permanently closed and the footway being reinstated.
- Upon any grant of approval, an informative should be included regarding any changes to access within the adopted highway.

Officers again emphasise that advertisements / signage are not dealt with under the determination of this planning application, requiring separate Advertisement Consent.

Overall therefore, with the inclusion of the aforementioned condition and having regard to the former use of the site, as well as the submitted details, it is concluded that the proposal would appropriately accord with LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 12 of the NPPF.

#### **4) 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 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.

Considering the former use of the site and the extent of development proposed, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

#### Coal Legacy:

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

#### Bats:

Chapter 15 of the National Planning Policy Framework is 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system.

Whilst the proposal would include some elements of demolition, given the age / design of the property, it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found

development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

#### Contaminated Land:

The council's record indicate that the proposed development site is on an area identified as potentially contaminated land use due to its historical land use/s (site reference: 323/9).

A Phase One Environmental Assessment authored by Subadra, dated November 2022 (ref: EN22119 CL 001) has been received in received in support of the application.

The report describes the site, formerly a used car dealership and decommissioned petrol filling station, as situated amongst a mix of commercial and residential properties. Historically, the land was utilized for residential housing and a commercial garage. Noteworthy is the presence of six identified below-ground tanks on the site. In Section 4.1 of the report, a preliminary conceptual site model is presented and several potential sources of contamination and potentially contaminative activities both on the site and the surrounding land are listed, which may have led to soil and groundwater contamination. The report concludes by recommending a ground investigation to assess the site or at the very least, adopting a watching brief during any works.

Upon formal consultation with the Council's Environmental Health Team, officers concluded that they generally agree with the report, which highlights several potential pollutant linkages and that they consider an investigation imperative to guarantee safe redevelopment of the site. Consequently, upon any grant of approval, conditions and a corresponding footnote shall be included.

#### Culvert:

Policy LP27 of the Kirklees Local Plan refers to proposals involving building over existing culverts or the culverting or canalisation of water courses.

In the case of this application, both formal and informal consultations were undertaken with KC Lead Local Flood Authority, whereby it was concluded that the proposals were acceptable subject to the inclusion of a condition upon any grant of approval, requiring the submission of a CCTV Survey and Report on the condition of the Culvert prior to any works commencing after demolition.

With the inclusion of the aforementioned condition, the proposal is considered to be acceptable in this regard.

### **5) 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: 2023/92347**

**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.

1. 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 Policies LP1, LP2, LP3, LP4, LP7, LP13, LP20, LP21, LP22, LP24, LP25, LP27, LP28, LP51, LP52 & LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. Any new construction materials required as part of the development, including the external materials to construct the new wash bay as shown on drawing no. 206, shall match the appearance of existing and retained built form. These external construction materials shall be retained throughout the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to any further development on site, following demolition works, a CCTV Survey and Report on the condition of the Culvert shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of flood risk and to accord with Policy LP27 of the Kirklees Local Plan.

4. The existing access along the Market Street frontage of the site shall remain permanently closed throughout the lifetime of the development and the footway along this frontage shall be reinstated.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

5. The approved vehicle parking areas will be laid 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 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. The use hereby permitted shall not be open to customers outside the hours of: 08:00 to 17:00 daily and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

**Reason:** To ensure that the proposed use(s) 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 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Before the site is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. Amongst any others, the plan needs to consider noise from:

- Use of mechanical/electrical equipment (Jet wash/vacuum/air compressors etc)
- Management of the service yard
- Deliveries/collection of vehicles
- Times of use

The approved Noise Management Plan shall be implemented before the use commences and retained thereafter.

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

interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Groundworks (other than those required for a site investigation report) shall not commence until a revised 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 of the National Planning Policy Framework

11. 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.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 of the National Planning Policy Framework.

**NOTE:** Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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:** Any changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:**

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 0730hrs to 1830hrs Mondays to Fridays
- 0800hrs to 1300hrs Saturdays With no construction related noise audible beyond the site boundary 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:** Bats

Due to its location, a bat roost may 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.

**NOTE:** No advertisement / signage

Any advertisement / signage has not been dealt with under the determination of this planning application. Separate Advertisement Consent would be required for any advertisement / signage.

**Plans and Specifications Schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	201	-	22/02/24
Existing Floor Plans	202	-	22/02/24
Existing Elevations	203	-	22/02/24
Proposed Floor Plans	204	-	22/02/24
Proposed Elevations	206	-	22/02/24
Proposed Block Plan	208	-	22/02/24
Existing Block Plan	215	-	22/02/24
Phase One Environmental Assessment Report by Subadra	EN22119 CL001	-	07/08/23
Pre-Construction Ground Investigation Report by Subadra	EN22119 CL002	-	19/09/23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Following a consultation response from KC Lead Local Flood Authority, the planning agent / applicant submitted revised plans and the description of proposal was resultantly altered accordingly.

**Report Dated:** 03/07/24