

# KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	<b>2023/70/92630/W</b>
Site Address:	David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD
Description:	Variation of condition 2 (plans and specifications) of previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works and discharge of condition 18 (swift box)
Recommending Officer:	Katie Chew

#### **DECISION - GRANT VARIATION OF CONDITION**

**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.**

Nicholas Hirst

***AUTHORISED OFFICER***

Date: 27-Mar-2025

**Application:** 2023/92630

**Site:** David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD

**Proposal:** Variation of condition 2 (plans and specifications) of previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works and discharge of condition 18 (swift box).

### **Site Description**

The application site lies within the existing David Brown Santasalo specialist industrial complex in Lockwood, c. 75m west of the train station. The red line boundary area itself lies to the south of the complex and forms a border with Nabcroft Lane. Opposite lies an area of existing and relatively new small-scale residential development. The site is served by an existing private car park off Park Road to the east of the main site, with the main vehicular and pedestrian access to the site taken from Park Road to the north of the complex. The topography of the site slopes significantly from west to east along the southern boundary.

The site has undergone a programme of redevelopment in the past few years to accommodate the undertaking of new long-term specialist industrial contracts.

### **Description of Proposal**

Under this Section 73 (S73) application, the applicant proposes the variation of condition 2 (plans and specifications) and the removal of condition 18 (swift nesting box) on planning ref: 2022/93342 (dated 03/03/2023). These conditions read:

*2. The development hereby permitted, including the phasing of development, 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 and to ensure the development is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.*

*18. Prior to installation, a plan detailing the positioning and location of a Swift (Apus apus) nesting box shall first be submitted to and approved in writing to the Local Planning Authority. The Swift nesting box shall be installed prior to the first use of the development and retained as such thereafter for the lifetime of the development.*

**Reason:** *To provide an enhancement to biodiversity in accordance with Policy LP30 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 15.*

In terms of the modifications proposed under condition 2, these would include:

- An enlargement of the acoustic louvre screen to the east
- Changing the arrangement of the external stairs
- Widen the access to the east to allow for forklift maintenance
- Minor changes to internal office arrangements
- Additional window to first floor offices
- Larger plant room doors
- Reduction in the amount of red cladding

Regarding condition 18, a plan showing the provision of the required swift nesting box has been provided.

### **History of negotiations/amendments received**

The applicant has submitted revised elevational and floor plans as part of this application, along with details for the location of the swift box. As such, the application has been re-advertised accordingly.

### **Relevant Planning History**

At the application site:

2023/91656 Discharge conditions 3 (Phase I Desk Study Report), 4 (Phase II Desk Study Report), 5 (Remediation Strategy), 8 (retaining walls), 9 (Air Quality Impact Assessment), 10 (CEMP), 11 (noise assessment), 12 (risk assessment), 13 (foul and surface water), 14 (drainage), 15 (external materials) on previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works – Split decision.

2022/93342 Demolition of existing building and erection of engineering building with associated external works – Approved.

### **Representations**

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

Final publicity expires: 15<sup>th</sup> July 2024.

As a result of the above publicity, no representations have been received.

### **Local ward councillors**

Local ward members Councillor Kaushik, Councillor Safdar, and Councillor Lawson have all been notified of this application. However, no formal comments have been received.

### **Consultation Responses**

- KC Environmental Health: No objections.
- KC Crime Prevention: No objections however, security measures are still advised in order to protect the site and the building from crime.
- KC Highways DM: No objections.

### **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 this part of Kirklees is the Local Plan (adopted 27/02/2019).

#### Kirklees Local Plan (2019)

The site is unallocated on the Kirklees Local Plan.

Relevant Local Plan policies to the proposed development are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land

#### National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 12/2024, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- 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**

### Scope of this application

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the ‘determination of applications to develop land without compliance with conditions previously attached’. In addition to removing conditions, S73 enables the varying of a condition’s wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

In terms of local context, there has been no changes in the environment (including built and natural) which would impact on the assessment of the application.

In light of the above, consideration must be given to the specific changes proposed and their interaction with adopted planning policy.

The principle of development on the site has already been established by the planning application 2022/93342 to which this application relates.

### Implications of the proposed variation of condition 2

#### *Visual amenity*

The visual changes to the proposal include the enlargement of the acoustic louvre screen to the east, a change to the arrangement of the existing external stairs, the widening of the access to the east to allow for forklift maintenance, minor changes to internal office arrangements with an

additional window to the first floor, larger plant room doors and a reduction in the amount of red cladding proposed.

Officers consider that these external alterations would be limited and would be in keeping for a building of this size, scale and use, and in the context of the wider area.

As such, the changes proposed would accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

### *Residential amenity*

Local Plan policy LP24 states that development proposals should promote good design by ensuring they provide a high standard of amenity for neighbouring occupiers.

Policy LP52 of the Kirklees Local Plan states that: *“Proposals which have the potential to increase pollution from noise... must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment”*.

This is reiterated in Paragraph 187(e) of the NPPF which further adds that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. It adds that development should, wherever possible, help to improve local environmental conditions.

Paragraph 198 states that:

*“planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*A) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

The proposed works would not materially increase the height or scale of the building, resulting in no greater potential for overbearing or overlooking.

The new window faces into the site and therefore raises no concerns over overlooking third party private dwellings.

Regarding the potential for noise pollution, KC Environmental Health have been formally consulted. Given that the changes proposed are to the visual appearance of the building, apart from the enlargement of the acoustic louvre screen, to align with the submitted noise report, approved under 2023/91656, officers do not consider there to be any significant Environmental Health impacts with this variation.

The proposed new office window, internal offices changes, alterations to the external stairs and the widening of an existing door, would not give rise to any significant noise disturbance or other amenity impacts, in line with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

### *Highways safety*

KC Highway DM have confirmed that the changes proposed would not affect access arrangements and therefore no objection is raised. This is to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

### Implications of the proposed removal of Condition 18 (Swift box)

Condition 18, as originally imposed, requires a plan to detail the position and location of a Swift (Apus apus) nesting box, to be installed prior to the building being first brought into use.

The proposed location of the swift nesting box has been demonstrated on the an elevations plan (ref. 2798\_ACU(100)20 rev. P11, received 27/02/24), which is considered to be to sufficient for the initial requirement of condition 18.

Notwithstanding this, the condition should be modified to a prescriptive requirement (i.e., swift box to be provided as shown), as opposed to being removed. This is to ensure the delivery of the proposed details.

Furthermore, an additional condition will be required, which outlines that with the exemption of the requirements of condition 18, the elevations of the engineering building shall be implemented in accordance with 'Proposed Elevations' drawing no. 2798\_ACU(100)20 Rev P13, received 14/06/2024, and shall be retained as such thereafter. This is because there are two versions of the proposed elevation plans, one showing the swift box, and one not. This is in the interest of precision and certainty of the approval's scope.

The proposed alteration to condition 18 would have no significant adverse implications in relation to other planning considerations and any conditions imposed in regard to these matters to make the development acceptable will be repeated (if required) as part of this application.

### Planning obligations:

If approved, this application will result in a new planning permission being issued.

A S106 was not secured with the original planning and therefore a S106 deed of variation is not required.

Review of conditions:

As this is an application under S73 of TCPA 1990 it would, in effect, be a new permission. Planning practice guidance (The Use of Conditions) confirms that the original planning permission would continue to exist whatever the outcome of the application under section 73 and that the conditions imposed on the original permission still have effect unless they have been discharged.

The PPG also confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).

The 19 conditions applied to the previous application (2022/93342) should therefore be repeated unless they are no longer required.

The application form states that works have commenced on site 01/06/2023 and therefore condition 1 has been removed.

Whilst the plans have been updated within the plans table to reflect the amendments applied for, the wording of condition 2 will remain unchanged.

In addition, the original conditions have been reviewed and updated to reflect previous discharge of condition applications which have been approved for the site. This includes revised wording to condition 8, as information was submitted under discharge of condition application 2023/91656 in respect of the design of temporary works to support the highways, so as to facilitate the demolition of the existing building. These details were accepted however, the design of the permanent works which will be integrated with the new building, to support the adjoining highway needs to be discharged under a fresh discharge of condition application prior to the commencement of works on the approved engineering building. Therefore condition 8 must remain, but with a revised wording to capture the above.

Furthermore, as outlined previously, an additional condition (condition 20), is required to be imposed in relation to the elevation plans, to ensure that with the exception of condition 18 (swift nesting box), the engineering building is to be constructed in line with 'Proposed Elevations' drawing no. 2798\_ACU(100)20 Rev P13, received 14/06/2024, and shall be retained as such thereafter.

No further conditions are required.

## **Representations**

As a result of the above publicity, no representations have been received.

## **Conclusion**

This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of condition 2 and discharge of condition 18 as indicated.

Subject to conditions, the proposed development is considered acceptable.

The NPPF 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:** Grant planning permission subject to conditions

**Dated:** 27/03/2025

**Decision Authorisation** – Delegated Powers

**Application Number** – 2023/92630

**Officer Recommendation** – Grant planning permission subject to conditions

### **Conditions and Reasons**

1. Removed – development commenced 01/06/2023.

2. The development hereby permitted, including the phasing of development, shall be carried out in complete accordance with the plans and specifications schedule

**Reason:** For the avoidance of doubt and to ensure the development is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the Kirklees Local Plan.

3. Removed – discharged under application ref 2023/91656, 27/02/2024.

4. Removed – discharged under application ref 2023/91656, 27/02/2024.

5. Removed - discharged under application ref 2023/91656, 25/03/2025.

6. Remediation of the site shall be carried out and completed in accordance with the Phase 3: Remediation Statement authored by Rogers Geotechnical Services Ltd, Report No. C2091/24/E/6418, dated 04/2024, which was approved under application reference 2023/91656, granted 25/03/2025, (to satisfy/discharge condition no. 5 (Remediation Strategy) imposed on previous permission 2022/93342, granted 03/03/2023). In the event that remediation is unable to proceed in accordance with the approved Phase 3: Remediation Statement 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 Statement 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 Statement.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Statement or any approved revised Remediation Statements, 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 the site in accordance with the approved Remediation Statement or the approved revised Remediation Statement, and a Verification Report in respect of those

remediation measures has first 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 Chapter 15 of the National Planning Policy Framework.

8. Prior to works commencing on the construction of the hereby approved engineering building, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the existing highway, including any demolition works affecting the structural integrity of the existing retaining wall supporting Nabcroft Lane or any modification to this wall, shall be first submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** In the interest of highways safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. Development shall be carried out strictly in accordance with the Air Quality Screening Assessment, approved under application reference 2023/91656, granted 25/03/2025, (to satisfy/discharge condition no. 9 (Air Quality Impact Assessment) imposed on previous permission 2022/93342, granted 03/03/2023), The approved low emission mitigation measures shall be implemented prior to the first use of the development and retained as such thereafter for the lifetime of the development.

**Reason:** In the interest of maintaining good levels of residential amenity for neighbouring occupiers and conserving the natural environment from detrimental air quality impacts, in accordance with Local Plan Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Development shall be carried out strictly in accordance with the Construction Environmental Management Plan, approved under application reference 2023/91656, granted 03/07/2023 (to satisfy/discharge condition no. 10 (Construction Environmental Management Plan) imposed on previous permission 2022/93342, granted 03/03/2023), and no change from thereon shall take place without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of nearby properties, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Development shall be carried out strictly in accordance with the BS 4142 Sound Impact Assessment of Proposed Fixed Plant Installation and Summary of Combined Operational Sound Marine Assembly 4, approved under application 2023/91656, granted 03/07/2023 (to satisfy/discharge condition no. 11 (Noise Assessment) imposed on previous permission 2022/93342, granted 03/03/2023). Each phase of the development shall not be brought into use until all works comprised within the measures specified in the approved report for

that phase have first been carried out in full, and such measures shall thereafter be retained for the lifetime of the development.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interests of amenity, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. Development shall be carried out strictly in accordance with the Phase 1 Foul and Surface Water Drainage Strategy, Drawing No. DBS-AVE-00-XX-DR-C-1001 Rev C03, Typical Attenuation Details For Contractors Proposals Purposes Only, Drawing No. DBS-AVE-00-XX-DR-C-1004 Rev P01, Proposed Impermeable Areas Plan, Drawing No. DBS-AVE-00-XX-DR-C-1006 Rev C01, MHS14 Flow Control Detail For Contractors Proposals Purposes Only, Drawing No. DBS-AVE-00-XX-DR-C-1008 Rev C03, SuDs Maintenance Document, ref: DBS-AVE-XX-RP-C-0001 Rev 0, authored by Avie Consulting Ltd, dated 17/04/2023, MD Calcs P3748-Phase 1\_3\_4 combined system 1, dated 30/12/2021, approved under application 2023/91656, granted 25/03/2025, (to satisfy/discharge condition no. 12 (Risk Assessment) imposed on previous permission 2022/93342, granted 03/03/2023). No part or phase of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have first been completed. The approved maintenance and management scheme shall thereafter be implemented and retained for the lifetime of the development.

**Reason:** In the interest of providing a satisfactory surface and foul water drainage strategy in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

13. Removed - discharged under application ref 2023/91656, 25/03/2025.

14. Surface water drainage works shall be undertaken strictly in accordance with Phase 1 Foul and Surface Water Drainage Strategy, Drawing No. DBS-AVE-00-XX-DR-C-1001 Rev C03, Typical Attenuation Details For Contractors Proposals Purposes Only, Drawing No. DBS-AVE-00-XX-DR-C-1004 Rev P01, Proposed Impermeable Areas Plan, Drawing No. DBS-AVE-00-XX-DR-C-1006 Rev C01, MHS14 Flow Control Detail For Contractors Proposals Purposes Only, Drawing No. DBS-AVE-00-XX-DR-C-1008 Rev C03, SuDs Maintenance Document, ref: DBS-AVE-XX-RP-C-0001 Rev 0, authored by Avie Consulting Ltd, dated 17/04/2023, MD Calcs P3748-Phase 1\_3\_4 combined system 1, dated 30/12/2021, approved under application 2023/91656, granted 25/03/2025, (to satisfy/discharge condition no. 14 (Drainage) imposed on previous permission 2022/93342, granted 03/03/2023), and no change from thereon shall take place without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

15. Development, insofar as it relates to the external facing materials, shall be carried out/operated in accordance with the details submitted and approved

under application 2023/91656, granted 03/07/2023 (to satisfy/discharge condition no. 15 (External Materials) imposed on previous permission 2022/93342, granted 03/03/2023). The development shall be constructed in accordance with the approved details and be retained thereafter.

**Reason:** For the avoidance of doubt to ensure that the development is built to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape character, in accordance with Policies LP24 and LP32 of the Kirklees Local Plan.

16. Prior to the installation of solar photovoltaic (PV) panels, a Glint and Glare Assessment (inclusive of both phases of development) shall have first been submitted to and approved in writing by the Local Planning Authority. The assessment shall consider the potential effects of glint and glare on neighbouring residential dwellings to the west of the site on Nabcroft Lane, Sunningdale Road, and the residential development on the St. Luke's Hospital site. Any necessary mitigation measures identified shall be undertaken prior to the installation of the solar photovoltaic (PV) panels and retained as such thereafter for the lifetime of the development.

**Reason:** In the interest of protecting residential amenity of neighbouring occupiers and reducing the risk of additional light pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

17. Prior to the installation of external artificial lighting, an external lighting scheme for each phase of the development hereby permitted shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme should include the following information:

- The proposed hours of operation of the lighting
- The location and specification of all the luminaires
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated
- 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
- 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.

No external artificial lighting shall be used on any phase of the development unless the lighting has been installed and operated in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

18. The Swift nesting box as shown on hereby approved drawing no. 2798\_ACU(100)20, Rev P11, received 06/03/2024, shall be installed prior to the first use of the development and retained as such thereafter for the lifetime of the development.

**Reason:** To provide an enhancement to biodiversity in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

19. The development hereby approved shall be carried out in strict accordance with the measures laid out in Section 5 of the approved Bat Roost Survey Report (ref: 18848/Awe, dated 05/09/2022).

**Reason:** To protect any bats and their roosts within the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

20. With the exemption of the requirements of Condition 18, the elevations shall be implemented in accordance with 'Proposed Elevations' drawing no. 2798\_ACU(100)20 Rev P13, received 14/06/2024, and shall be retained as such thereafter.

**Reason:** For the avoidance of doubt and to ensure the development is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the Kirklees Local Plan.

**NOTE:** Where conditions do not specifically refer to the phasing of development, details for the site as a whole should be submitted for discharge, as it would not be appropriate for phased information to be considered due to the cumulative effects and/or site-wide requirements of the required details and mitigation.

**NOTE:** For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures. For further information refer to the West Yorkshire Low Emission Group Document Air Quality and Emissions - Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy 2016-2021.

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a Section 106 Agreement may be required for the amount up to the estimated damage cost made available to the Local Authority to spend on air quality improvement projects within the locality.

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

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

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:** 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](http://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:** All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

**NOTE:** The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application in order to secure a policy compliant proposal.

**Plans and specifications schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Site Plan	2798_ACU(100)10	P9	05/09/2023
Proposed Ground Floor Plan	2798_ACU(100)02	P17	14/06/2024
Proposed First Floor Plan	2798_ACU(100)03	P14	14/06/2024
Proposed Second Floor Plan	2798_ACU(100)04	P11	05/09/2023
Proposed Elevations	2798_ACU(100)20	P13	14/06/2024
Proposed Elevations (location of swift nesting box only)	2798_ACU(100)20	P11	06/03/2024
<b>Approved under app ref: 2023/91656</b>			
Phase 1 Foul and Surface Water Drainage Strategy	DBS-AVE-00-XX-DR-C-1001	C03	01/03/2024
Typical Attenuation Details for Contractors Proposals Purposes Only	DBS-AVE-00-XX-DR-C-1004	-	01/03/2024
Proposed Impermeable Areas Plan	DBS-AVE-00-XX-DR-C-1006	C01	01/03/2024
Manhole Schedule	DBS-AVE-00-XX-DR-C-1007	C03	01/03/2024
MHS14 Flow Control Detail for Contractors Proposals Purposes Only	DBS-AVE-00-XX-DR-C-1008	C03	01/03/2024
Standard Construction Details Sheet 1. For Contractors Proposals Purposes Only	DBS-AVE-00-XX-DR-C-1002	P01	05/10/2023
Standard Construction Details Sheet 2 for Contractors Proposals Purposes Only	DBS-AVE-00-XX-DR-C-1003	P02	05/10/2023
Temporary Works Details to Existing Retaining Wall Adjacent to Nabcroft Lane	P3857-01	03	13/06/2023
Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 1	13/06/2023
Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 2	13/06/2023
Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 3	13/06/2023

Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 4	13/06/2023
Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 5	13/06/2023
Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 6	13/06/2023
Temporary Works – Existing Retaining Wall Stability – Supporting Information	P3857	Sheet No. TW 7	13/06/2023
Temporary Works – Propping Load Assessment – Supporting Information	P3857	Sheet No. TW 8	13/06/2023
Temporary Works – Propping Load Assessment – Supporting Information	P3857	Sheet No. TW 9	13/06/2023
Temporary Works – Propping Load Assessment – Supporting Information	P3857	Sheet No. TW 10	13/06/2023
Temporary Works Design Assessment – Supporting Information	P3857	Sheet No. TW 11	13/06/2023
Temporary Works Design Assessment – Supporting Information	P3857	Sheet No. TW 12	13/06/2023
1 in 100 Year Plus 30% CC, authored by Micro Drainage – Supporting Information	P3748	-	01/03/2024
SuDs Maintenance Document	DBS-AVE-XX-RP-C-0001	0	06/06/2023
Approval in Principle for Design of Temporary Works to Existing Building Retaining Wall – Supporting Information	K66041T	04	13/06/2023
Phase 1 Environmental Assessment – Supporting Information	P3748	01	09/10/2023

Phase 3: Remediation Statement – Supporting Information	C2901/24/E/6418	-	16/04/2024
Geoenvironmental Report – Supporting Information	C2901/22/E/4423	-	06/06/2023
Gas Monitoring Report – Supporting Information	C2901/23/E/5243	-	08/12/2023
BS 4142 Sound Impact Assessment of Proposed Fixed Plant Installation and Summary of Combined Operational Sound Marine Assembly 4 – Supporting Information	-	-	06/06/2023
Construction Environmental Management Plan – Supporting Information	-	-	06/06/2023
Kingspan Colours & Coatings brochure of External Colour & Coating Ranges – Supporting Information	-	-	26/02/2024
Kingspan QuadCore Trapezoidal Roof Panel (RW) KS100 RW Data Sheet – Supporting Information	-	-	06/06/2023
Kingspan QuadCore Trapezoidal Wall Panel (RW) KS1000 RW Data Sheet – Supporting Information	-	-	06/06/2023
Air Quality Screening and Dust Risk Assessment – Supporting Information	81098-SRL-RP-YQ-01-S2-P3	-	26/02/2024
<b>Approved under app ref: 2022/93342</b>			
Location Plan	2798 (100)LOC	A	06/02/2023
Topographic Survey	2798_ACU(100)50	P1	11/10/2022
Proposed Lower Ground Floor Plan	2798_ACU(100)01	P7	06/02/2023
Proposed Sections	2798_ACU(100)30	P6	22/12/2022
Bat Roost Survey Report	JCA, 18848/Awe, 05/09/2022	-	12/10/2022

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 have been sought throughout the course of this application.