

**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:	2023/62/93386/E
Site Address:	Spenn Valley High School, Roberttown Lane, Roberttown, Liversedge, WF15 7LX
Description:	Erection of new office building and extensions and alterations to existing Lodge building
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 07 May 2024

Officer Report

Reference No. 2023/62/93386/E

Site Address: Spen Valley High School, Roberttown Lane, Roberttown, Liversedge, WF15 7LX

Proposal: Erection of new office building and extensions and alterations to existing Lodge building.

Site Description

The application relates to Spen Valley High School, a large school building situated in Roberttown, Liversedge. The site comprises playing fields and areas of hardstanding. The grounds are partially screened from its immediate surroundings by some substantial trees along the boundary of the site. The wider area comprises residential properties of varying materials and architectural styles. The site is allocated as Urban Green Space and is partly located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The application seeks planning permission for the erection of a new office building and extensions and alterations to the existing lodge building. The details of the proposal are summarised below:

- The office building proposed would be sited on an existing area of hardstanding and would have a width of approx. 21.9m and a depth of approx. 8.2m.
- The office unit would be single storey in height with an overall height of approx. 5.2m and an eaves height of approx. 2.75m.
- Construction Materials (Office Building) – predominately faced in render with a facing brickwork plinth for the external walls and profiled sheet composite panel for the roof.
- The lodge extension proposed would project approx. 4.6m from the south-western side elevation of the existing building.
- The extension would have an overall height of approx. 6.85m and an eaves height of approx. 5.5m.
- Construction Materials (lodge extension) – predominately faced in render with reclaimed natural coursed stone corners for the external walls and blue slate for the roof.
- Installation of metal fire escape stairs south-west of the proposed lodge extension.
- Application of render to the existing lodge building.

- The existing flat roof on the lodge building will be removed and replaced with a pitched roof.
- Alterations to fenestration within the rear elevation of the existing lodge building.
- Installation of new first floor fenestration within the front elevation of the lodge.
- Installation of 2m high 'v' mesh fence in dark green with 2m double gates, to enclose the school lodge building.

Relevant Planning History

- **2009/91749:** Erection of temporary classroom units. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2006/93132:** Erection of single storey extension to existing school dining hall. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2005/92446:** Erection of prefabricated gym building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2004/95106:** Installation of new wind turbine. [Planning application details | Kirklees Council](#) – Granted Under Reg.3 General Regulations 1992
- **2004/93158:** Erection of temporary mobile double classroom with ramped access. [Planning application details | Kirklees Council](#) – Granted Under Reg.3 General Regulations
- **91/04396:** Erection of extension to form sports hall, teaching rooms, common rooms and technology suite external works/bus turnaround. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **91/02442:** Relocation of 7 no temporary classrooms and new car park. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 29th January 2024. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

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 Trees – No objection subject to recommended conditions
KC Environmental Health - No objection subject to recommended conditions
Sports England – No objection
KC Highways Development Management – No objection
KC Ecology - No objection subject to recommended 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 27th February 2019).

The site is allocated as Urban Green Space and is partly located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 33** - Trees
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 57** - The Extension, Alterations or Replacement of Existing Buildings
- **LP 61** - Urban Green Space

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-making
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of Development

This application is seeking planning permission for the erection of a new office building, and extensions and alterations to an existing lodge building, at Spen Valley High School. The red line boundary for this application includes land within the Green Belt, and land allocated as urban green space (UGS) (site ref. UG363) in the adopted Kirklees Local Plan. Sites in educational use, such as the grounds of schools and colleges, have been allocated as UGS where they contain playing fields and sports pitches. This is because they represent an extensive and valuable open space asset important for meeting both educational and outdoor sport needs.

This application proposes extensions and alterations to an existing school lodge building, and the erection of a new office building. The scheme would also introduce 2m high V-mesh fencing, with 2m double gates, to enclose the existing school lodge building with the proposed new extension. Within the red line boundary of this application, the school playing fields are allocated as green belt in the adopted Kirklees Local Plan, whilst the school buildings are allocated as urban green space. The proposed two storey extension, new office building and the majority of the V-mesh fencing would be located on land allocated as UGS, however a section of the V-mesh fencing would be positioned upon land within green belt land.

Impact on Urban Green Space

Local Plan Policy LP61 does not permit development which would result in the loss of urban green space, unless specific exceptions can be met. The policy states that: *“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:*

- a. *an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*

- a. *replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- b. *the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

The proposed office building would be positioned on an area of land which is currently hardstanding. Erecting the structure in this location would not result in a loss of green space that is actively serving an open space function, meaning that this element of the proposal would accord with Policy LP61. The proposed extension to the existing school lodge building would, however, result in a marginal loss of green space, which would be contrary to Policy LP61. However, in these circumstances, consideration should be given to NPPF Paragraph 99(a) which states: Local Planning Authorities should (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. In addition to this, Local Plan policy LP49 (Educational and Health Care Needs) is also relevant in this case which states *that: “Proposals for new or enhanced education facilities will be permitted where:*

- a) *they will meet an identified deficiency in provision;*
- b) *the scale, range, quality and accessibility of education facilities are improved; they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.”*

With regard to the proposed V-mesh fencing, the design and access statement submitted to support the application states that the fencing is to assist in containment and security as part of the overall proposals. From reviewing the plans, it is unclear as to whether the proposed fencing, and the groundworks required for its installation, would result in a loss of green space. For the most part, the proposed fencing appears to adjoin a surfaced path that borders an area of existing green space, however to the north of the school lodge building, the plans show that the fencing would cut across an area of green space, which could result in a marginal loss of urban green space. As before, in these circumstances, given the site to which this application relates is in educational use, weight should be given to NPPF Paragraph 99(a), and any loss of green space that may occur, should be weighed against increased site security that the fencing would provide.

Impact on Green Belt

The submitted plans show that a section of the 2m V-mesh fencing proposed would be positioned within green belt land. The proposed new fencing would replace some existing fencing that currently stands to the west of the school lodge building, south-east of the hard standing path. Paragraph 154 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the green belt, unless specific exceptions can be satisfied.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whilst the new fencing would impact the openness of the green belt given additional land is to be subdivided and enclosed, it is considered that the impact, in this case, would be limited. Giving regard to the openness of the green belt, in this instance, while the fence would be materially larger than the fencing it is set to replace thus would fail to satisfy the exception at Paragraph 154 d), it would be enclosing the operational grounds of Spen Valley High School and would provide increased site security.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Two Storey Side Extension (Lodge)

The proposed two storey extension would project approx. 4.6m from the south-western side elevation of the existing lodge building. The enlargement would be predominately faced in render with reclaimed natural coursed stone corners for the external walls and blue slate for the roof. Although the enlargement would have a large projection, it would feature a lower ridge line such that it would appear subservient to the original build. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Office Building

The proposed office building would be sited on an existing area of hardstanding and would have a width of approx. 21.9m and a depth of approx. 8.2m. The unit would be single storey in height with an overall height of approx. 5.2m and an eaves height of approx. 2.75m. The unit would be predominately faced in render with a facing brickwork plinth for the external walls. The building would also incorporate a dual-pitched roof finished in profiled sheet composite panels. The building would not be out of keeping with the adjacent buildings given that there is already variation with regard to design, scale and massing. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Fencing

The submitted plans confirm that a 2m high dark green 'v' mesh fence with 2m double gates would be erected to enclose the school lodge building. The fence would be of a simple form and the design is considered typical of that found on school sites such that it would not appear incongruous in the context of the surrounding boundary treatments. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Fire Escape Stairs

Metal fire escape stairs would be erected south-west of the proposed lodge extension. The stairs would measure approx. 0.9m wide and would have an overall height of approx. 4m. The stairs proposed would be acceptable with regard to visual amenity.

Application of Render

The proposal seeks to apply render to the existing lodge building. Although the use of render would alter the appearance of the building, given the lack of uniformity and the use of different materials within the street scene, it is considered that the proposed works would not appear discordant and would harmonise well into the surrounding townscape.

Alterations to fenestration

The proposed external alterations would see the existing garage door within the rear elevation of the lodge building removed and replaced with new windows and an opening. Furthermore, the plans confirm that new fenestration would be installed at first floor level within the front elevation of the lodge. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host building and the surrounding area.

Alterations to Roof (Lodge)

The submitted plans confirm that the flat roof form on the existing lodge building will be removed and replaced with a pitched roof. Whilst this would alter the external appearance of the lodge, the alterations would be in keeping with the style of the original build and would therefore be acceptable with regard to visual amenity.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The submitted plans confirm that no residential properties located north, east and west of the application site would be affected by the proposed works.

Impact on 5 Richmond Park Avenue

5 Richmond Park Avenue is a two-storey detached property located south of the application site. The submitted plans demonstrate that a separation distance of approximately 19m would be retained between the proposed extension and the side elevation of no.5. Given that the extension would be sited on lower ground and the separation distance retained would be sufficient, it is considered that the proposed development would have an acceptable impact with regard to residential amenity.

Summary

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, 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.

This application seeks approval for the erection of a new office building and extensions and alterations to the existing lodge building. The proposal would not increase the staff and pupil numbers and would not affect the existing parking provision or servicing arrangements of the school. On this basis, the scheme is considered acceptable from a highway's perspective.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

Carbon Budget

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

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Contaminated Land

In support of the application a report by GEOENVIRO Solutions Limited, titled Coal Mining Risk Assessment, Desktop Study Report (Ref: 4503-23 CMRA, dated November 2023) has been submitted. KC Environmental Health have reviewed the report and note that no site walkover has been undertaken to date. The report considers the coal mining legacy at the site and is largely geotechnical in nature, it indicates that there is a potential for contamination to pose a risk to the development from the coal mining legacy. However, it is basic in nature and has not considered geochemistry, soil, hydrogeology and hydrology of the site. Whilst Officers do not object to the proposed development, a robust and detailed contaminated land assessment is required at this sensitive site. Therefore, KC Environmental Health recommend full contaminated land conditions.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Ecology

KC Ecology were formally consulted on the proposed scheme as the site is located within a bat alert layer on the Council's GIS mapping system. Officers raised no objection to the proposals as they would result in minimal impact to ecological receptors, with the building at the site comprising a well-sealed flat roof structure. However, in order for the development to proceed in line with national and local planning policy pertinent to biodiversity, KC Ecology did recommend a condition requiring the installation of one bat box and one integral swift box. However, revised drawings were submitted by the agent which show one bat box and one integral swift box installed to the school lodge building. Therefore, the pre-commencement condition is no longer necessary.

Trees

The proposed development site is constrained by existing mature trees. The tree survey and Arboricultural impact assessment (ref: WC-266.1a) shows there is some encroachment into the RPAs of the retained trees by the development and because of the facilitation works to build the development. However, this encroachment can be resolved through the Tree Protection Plan (TPP) and a final AMS, based on the outline AMS within. There is no further objection to the proposal from KC Trees subject to a condition for a finalised AMS to be reviewed by the Project Arboriculturalist prior to the commencement of development works.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area. However, in this case, the proposed officer building would be positioned on an area of land which is currently hardstanding. Therefore, in this instance, it was not considered necessary to formally consult The Coal Authority.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

Amendments were received during the course of the application. The applicant's agent submitted revised drawings in order to achieve compliance with building regulations. These amendments were considered acceptable with regard to visual amenity.

7. Conclusion

This application for the erection of a new office building and extensions and alterations to the existing Lodge building at Spen Valley High School has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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. As set out above, 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: 2023/93386

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP30, LP33, LP49, LP52, LP53, LP57 and LP61 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The office building hereby approved shall be predominately faced in render with a facing brickwork plinth for the external walls and profiled sheet composite panel for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

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

4. The lodge extension hereby approved shall be predominately faced in render with reclaimed natural coursed stone corners for the external walls and blue slate for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

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

5. 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. 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 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Development shall not commence until an Arboricultural Method Statement, has been submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details of including but not limited to the following:

- removal of existing structures and hard surfacing.
- installation of temporary ground protection.

- excavations and the requirement for specialized trenchless techniques within the RPAs of retained trees.
- installation of new hard surfacing – materials, design constraints and implications for levels within the RPAs of retained trees.
- specialist foundations – installation techniques and effect on finished floor levels and overall height.
- retaining structures to facilitate changes in ground levels.
- preparatory works for new landscaping/replacement planting.
- auditable/audited system of Arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

and how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: This detail is required prior to development commencing on site to protect to viability of the mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

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: 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 granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	23/924-5-6/01	01/12/2023
Existing Block Plan	23/924-5-6/02	01/12/2023
Plans as Existing (Lodge)	23/924-5-6/03	01/12/2023
Elevations as Existing (Lodge)	23/924-5-6/04b	20/12/2023
Proposed Block Plan	23/924-5-6/07c	02/05/2024
General Arrangement as Proposed (New Office Building)	23/924-5-6/8c	01/12/2023
Working Drawings Plans & Section	23/924+5/09c	02/02/2024

(Lodge)		
Working Drawing Elevations (Lodge)	23/924-5-6/10b	02/02/2024
Fencing Specification	-	01/12/2023
Arboricultural Impact Assessment	WC-266.1a	15/04/2024
Coal Mining Risk Assessment, Desktop Study	4503-23 CMRA	01/12/2023
Climate Change Statement	23/924-5-6	01/12/2023
Design and Access Statement	23/924-5-6	01/12/2023

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 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. Revised drawings were received during the course of the application in order to achieve compliance with building regulations. These amendments were considered acceptable with regard to visual amenity. The applicant's agent has also confirmed their agreement to the pre-commencement conditions.

Report Dated: 02/05/2024