

**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:	2023/62/93551/W
Site Address:	Holmfirth Attested Auction Market, Riverside, Woodhead Road, Holmfirth, HD9 2PR
Description:	Demolition of existing auction building and erection of replacement auction building
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 27th March 2024

Officer Report.

Reference: 2023/93551

Location: Holmfirth Attested Auction Market, Riverside, Woodhead Road, Holmfirth, HD9 2PR

Proposal: Demolition of existing auction building and erection of replacement auction building

Site Description.

Holmfirth Attested Auction Market is a relatively large site, with vehicular access leading off Woodhead Road, a large extent of on-site parking amenity space, one functioning auction building and one auction building in a state of deterioration, e.g. the roof over the westerly part of this building has failed.

The River Holme runs adjacent to the eastern / south eastern boundary of the site with parts of the site located within EA Flood Zone 2.

Public footpath HOL/95/50 runs adjacent to the eastern / south eastern boundary of the site.

The application site is Allocated as Priority Employment Area in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the demolition of an existing auction building and the erection of a replacement auction building.

The auction building to be demolished is located to the north east of the site and is in a state of deterioration, with serious structural failures, e.g. the roof over the westerly part of this building has failed.

The replacement building will be located within the same area on the site and will have the following dimensions:

- Length – 41.2 metres
- Depth – 14.4 metres
- Eaves height – 3.9 metres
- Maximum ridge height – 7.9 metres

The total footprint of the replacement building will be approximately 602.10m³.

The proposed replacement building is to be brought 1.8 metres in from the northern boundary.

The walls to low level will be concrete panels to circa 1.2 metres with powder coated profiled sheeting above, olive green in colour. The roof will be profiled steel sheets in albatross grey with circa 10% translucent roof sheets for natural daylight.

Openings will be steel plated personnel doors with stock gates to the larger livestock openings. There will be roller shutters to the larger openings to provide for security.

For context, the footprint of the existing auction building is approximately 620m³.

History of Negotiations/Amendments Received.

No negotiations have taken place and no amended plans have been sought or submitted.

It should be noted that, the agent has provided agreement (via email) to the inclusion of the pre-commencement conditions relating to contaminated land, as imposed by KC Environmental Health upon formal consultation.

Relevant Planning History.

- 89/05951 – Erection of extension to form 6 no cattle-holding pens.
Granted.

Representations.

We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, a site notice and within the press.

Final publicity date expired: 5th March 2024.

No representations were received.

Consultation Responses.

Holme Valley Parish Council – support.

KC Ecology (formal & informal) – The proposed plan (23/884/06c) contains sufficient detail to ensure that the proposed development incorporates provisions for protected faunal groups into the design and as such, KC Ecology have no objection to this application.

KC Lead Local Flood Authority (formal) – The proposed use is the same vulnerability classification, therefore, support this application.

KC Highways Development Management (formal) – no objection to these proposals.

KC Environmental Health (formal) –

Contaminated land: the site of the proposed building has been identified on the Council's mapping system as being on potentially contaminated land (site ref: 92/21), it is also located close to a former landfill site. As groundworks are proposed and the building is to contain animals and staff offices, KC Environmental Health recommend conditions to ensure the site is safe and suitable for its proposed use.

Noise: the Design and Access/Supporting Statement confirms the proposed use is a replacement of existing and informs intensification will not occur. The application is therefore considered like for like and KC Environmental Health anticipate no change in the acoustic environment. KC Environmental Health would however advise the applicant to consider an upgrade of the panelling to the north façade.

Construction noise: construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. For this reason, an informative note is necessary regarding the hours of operation for the site.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is Allocated as Priority Employment Area in the Kirklees Local Plan.

The River Holme runs adjacent to the eastern / south eastern boundary of the site with parts of the site located within EA Flood Zone 2.

Public footpath HOL/95/50 runs adjacent to the eastern / south eastern boundary of the site.

Based on the Council's GIS mapping data, the site is known to be potentially contaminated.

The application site is located within the Holme Valley Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP8 – Priority Employment Area
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Holme Valley Neighbourhood Development Plan:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The site falls within Local Characteristic Area 4 – River Holme Settled Valley Floor.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 7 – Supporting Economic Activity
- Policy 12 – Promoting Sustainability
- Policy 13 - Biodiversity

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, together with Circulars, Parliamentary 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 and Competitive Economy
- 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

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Conclusion

1) Principle of Development

1.1 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...”*

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”*.

1.2 Priority Employment Area & Town Centre Use:

The site is located within a Priority Employment Area (PEA84), therefore, Policy LP8 (Safeguarding Employment Land and Premises) applies in this case. As the use proposed replacement building replaces an existing agricultural building for the same use, enabling the agricultural business to continue, the use proposed is considered as ‘employment generating’ (as defined in the Local Plan glossary). Part one of Policy LP8 is relevant: Proposals for development or re-development of employment generating uses (as defined in the glossary) located within the PEA will be supported where there is no conflict with the established employment uses in the area.

The proposed use is not considered to be a main town centre use and therefore, the application does not need to be considered against Policy LP13 of the Kirklees Local Plan.

1.3 Rural Economy:

Paragraph 85 within Chapter 6 of the NPPF sets out that *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.

Paragraph 88 within Chapter 6 of the NPPF is focused on supporting a prosperous rural economy and states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.

Policy 7 of the Holme Valley Neighbourhood Development plan sets out that *'...proposals will be supported which result in the creation or sustainable expansion of existing and new businesses'*.

Policy 7 of the Holme Valley Neighbourhood Development Plan goes on to state that *'such proposals will be supported where the following all apply:*

1. *The site is located outside the Green Belt or the development is acceptable in terms of national Green Belt policy;*
2. *The proposal supports new business investment or the expansion of an existing business;*
3. *The site can be connected to the existing highway network and will not result in severe adverse traffic impacts on the surrounding roads;*
4. *The site is large enough to accommodate car parking, service areas and landscaped areas appropriate to the scale of the business;*
5. *The proposals recognise the overall aim to reduce carbon emissions through sustainable design and promoting access by walking, cycling and public transport.*

Policy 7 of the Holme Valley Neighbourhood Development Plan, Supporting Economic Activity, goes on further to state: *'Business development which involves the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site will be particularly encouraged'*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places), which states: *“The creation of high-quality 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.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Home Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case River Holme Settled Valley Floor, LCA4.

The key built characteristics for LCA4 are as follows:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area’s former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.

- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

The demolition and result loss of the existing auction building is not considered to result in any detriment from a visual amenity perspective, with the replacement auction building considered to enhance the existing appearance of the site, with the current building in a state of deterioration. The existing auction building has serious structural failures, e.g. the roof over the westerly part of the building has failed.

The proposed replacement auction building would be sited in the same area within the site, with modest differences, including offsetting the proposed building 1.8 metres from the northern boundary. The proposed replacement building is not dissimilar in footprint, albeit slightly smaller, and the maximum ridge height of building would be reduced. Therefore, based on these factors, it is considered that the proposed dimensions of the replacement agricultural building would be acceptable from a visual amenity perspective.

Materials are to be different from the existing auction building, however, it is considered that the appearance of the replacement building would be more akin with a modern agricultural building. The walls of the lower level would be concrete panels to circa 1.2 metres high, with powder coating sheeting above, olive green in colour. The roof covering will be profiled steel sheets in albatross grey with circa 10% translucent roof sheets for natural daylight. Openings will be steel plated personnel doors with stock gates to the larger livestock openings.

Given the proposed use of the building and it's setting within the complex of Holmfirth Attested Auction Market, it is considered that the proposed materials of construction would be appropriate in this instance. Visibility of the structure is largely retained within the complex of the site itself and if visibility attained from wider public vantage points, the building would be read within the agricultural context of the site, which it harmonises with appropriately.

For all the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the site or wider locality. Therefore, the proposed development is considered to comply with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *"...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties'*.

The following properties immediately neighbour the site of the proposed demolition of the existing auction building and the erection of a replacement auction building.

No.'s 16, 17, 18, 19, 20, 21, 22, 22a, 23, 23a, 24, 24a Victoria Mills, Holmfirth.

It is considered that, given the precedence previously set by the existing auction building within the site of the Holmfirth Attested Auction Market and the similar dimensions / footprint proposed for the replacement auction building, the development would not result in any undue impacts of overbearing or overshadowing, over and above the existing relationship established between these properties and the application site of Holmfirth Attested Auction Market. It should also be noted that the replacement building is to be offset 1.8 metres from the northern boundary, with the existing building set up to the boundary. This separation is considered a positive incorporation into the new building, with the existing auction building set up to the northern boundary.

The only glazing proposed to the rear facing elevation is eight high set windows, which are to be set approximately 3.2 metres above the mezzanine floor level. Given the siting of these windows, it is not considered that they would result in any undue impacts of overlooking to the occupiers of these neighbouring properties.

The properties of 30 Perseverance Place and 32 Perseverance Place, to the eastern boundary of the site, are located approximately 50 metres from the site of proposed development. This separation is considered sufficient to mitigate any undue impacts of undue overbearing, overshadowing or overlooking for the occupiers of these properties.

With regard to noise and odour, the use has previously been established at the site, with the submitted Design and Access / Supporting Statement confirming that the proposed use is a replacement of existing and that intensification will not occur. As such, it is considered that the application is like for like and as such, it is anticipated that no change in pollution levels would occur with regard to odours or the acoustic environment.

It should be noted however, that within their formal consultation response, KC Environmental Health would advise the applicant to consider an upgrade of

the panelling to the north façade. This is not deemed critical to the scheme, given the long established use of the site.

For these reasons, the proposed development at Holmfirth Attested Auction Market is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Policy 2 of the Holme Valley Neighbourhood Development Plan.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide is also of relevance, which seeks to secure acceptable levels of parking.

The Council's Highways Development Management Team have been formally consulted as part of the determination of this planning application and made the following comments:

This application seeks approval to the demolition of an existing auction building and the erection of a replacement auction building at Holmfirth Attested Auction Market, Riverside, Woodhead Road, Holmfirth.

The Design and Access Statement states that: *"This application is for a replacement agricultural building and the proposed replacement building replaces an existing agricultural building for the same use. The proposed replacement building is not dissimilar in footprint, albeit slightly smaller (563m² proposed as opposed to the existing area of 620m²).*

A small upper floor mezzanine is incorporated to provide a modest kitchen area, office/paperwork store and conference/training room. These uses are all associated with the proposed agricultural use and replace similar existing facilities.

Parking and access remain the same, we contend this is not intensified given the fact this application is for a replacement agricultural building".

The existing access into the site is narrow and meets the A6024 (Woodhead Road) with an acute angle which may result in difficult turning and manoeuvre particularly for larger vehicles. Sight lines from this access may also be restricted given the height of adjacent boundary walls and vegetation. There have however, been no recorded collisions at the A6024 junction.

Whilst the existing access is not ideal, given that there have been no collisions at the A6024 junction and that this is a replacement building for the same use as the existing, with no proposed intensification in use, Highways Development Management have no objection to these proposals.

In turn, based on the above, on balance, it is considered that the proposal would appropriately accord with Chapter 9 of the NPPF and Policies LP21 and LP22 of the Kirklees Local Plan.

In turn, the proposal is also considered to appropriately accord with Policy 7 of the Holme Valley Neighbourhood Plan which states that proposals will be supported where *'the site can be connected to the existing highway network and will not result in severe adverse traffic impacts on surrounding roads'*.

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.

As part of this application, a Climate Change Statement was submitted, which sets out various mitigation measures. Given the replacement nature of proposed development and the overall scale of development, it is not considered that the proposed development would have an impact on climate change that needs 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 together with Policy 12 of the HVNDP.

In turn, the proposal is also considered to appropriately accord with Policy 7 of the Holme Valley Neighbourhood Plan which states that proposals will be supported where *'The proposals recognise the overall aim to reduce carbon emissions through sustainable design and promoting access by walking, cycling and public transport'*.

Bats:

Chapter 15 of the NPPF 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 and Policy 13 of the HVNDP requires that proposals protect Habitats and Species of Principal Importance.

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

As part of the determination of this planning application, formal and informal consultations were undertaken with KC Ecology, where the following comments were made:

A bat scoping survey has been submitted with the application. The report determined that the building is of moderate value for roosting bats. Subsequent emergence/re-entry surveys determined that bats are not using the site but may be present locally. As such, it is determined that the proposed demolition of the building will not result in any impacts to roosting bats. However, as the building was determined to be of some value for roosting bats, a precautionary approach should be adopted for the proposed demolition and the measures outlined in section 10 of the report should be adhered to. (imposed as a condition).

The proposed plan (23/884/06c) contains sufficient detail to ensure that the proposed development incorporates provisions for protected faunal groups into the design and as such, KC Ecology have no objection to this application.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The development would not see the direct removal of any trees or hedgerows. Therefore, the proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

Public Footpath:

Given the proposed replacement nature of development and its siting away from public footpath HOL/95/50, it is not considered that the proposed development would prejudice the function, continuity or implementation of this public footpath as a walking or cycling network. Therefore, the proposal is considered to appropriately comply with Policy LP23 of the Kirklees Local Plan.

Flood Risk:

The River Holme runs adjacent to the eastern / south eastern boundary of the site with parts of the site located within EA Flood Zone 2.

A Flood Risk Assessment was submitted as part of this application.

As part of the determination of this planning application, a formal consultation was undertaken with KC Lead Local Flood Authority. There comments were as follows:

Given the size of the replacement building in comparison to the original, Kirklees Flood Management and Drainage do not recommend any surface water discharge restrictions with this application.

The proposed use is the same vulnerability classification and therefore, KC Lead Local Flood Authority supports this application.

Based on the above, it is considered that the application is appropriate for the Flood Zone.

Contaminated Land:

The site of the proposed building has been identified on the Council's mapping system as being on potentially contaminated land (site ref: 92/21), it is also located close to a former landfill site. As groundworks are proposed and the building is to contain animals and staff offices, KC Environmental Health recommend conditions to ensure that the site is safe and suitable for its proposed use.

With the inclusion of these conditions, the proposal is considered to appropriately comply with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

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: 2023/93551

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, LP8, LP21, LP22, LP23, LP24, LP27, LP30, LP31, LP51, LP52 & LP53 of the Kirklees Local Plan, Policies 1, 2, 7 and 12 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

2. The external walls of the replacement auction building hereby approved shall be faced in concrete panels to circa 1.2 metres high with powder coated profiled sheeting above, olive green in colour. The roof covering shall be profiled steel sheets in albatross grey with circa 10% translucent roof sheets. These exterior construction materials shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

3. 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: 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. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 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: 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. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 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 Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues and proper remediation of the site.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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: 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 Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

8. The demolition of the building hereby approved shall be undertaken in accordance with the recommendations in Section 10 of the Bat Scoping Survey by John Gardner dated 18th August 2023
Reason: To avoid demolition during the period when the building could be used for roosting bats and to accord with Policy 30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.
9. The erection of the superstructure of the new building shall not commence until a plan detailing the specification, positioning and location of 3no. one bat boxes (two Schwegler 1FTH and one

Schwegler 1WI) and 4no. swift boxes (Schewegler no. 16 or similar alternative) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved boxes shall be sited and positioning on the building during the period of construction in accordance with the approved plan and thereafter retained.

Reason: To provide an enhancement to biodiversity in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 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 202c1.

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: Construction Site Working Times

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

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, 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: The application site is located in a low risk coal area.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	23/884/01	-	12.12.23
Elevations as Existing	23/884/04	-	12.12.23
Building Plans as Existing	23/884/03	-	12.12.23
Plans as Proposed	23/884/05b	-	12.12.23
Elevations as Proposed	23/884/06c	-	12.12.23
Proposed Site Plan	23/884/07a	-	12.12.23
Existing Block Plan	23/884/02	-	12.12.23
Site Plan Sheet No. 2	PMA_045_HAAM	-	12.12.23
Site Plan Sheet No. 1	PMA_045_HAAM	-	12.12.23
Flood Risk Assessment by Advant Engineers	-	Rev B	17.01.24
Climate Change Statement	23/884	-	12.12.23
Bat Scoping Survey	-	-	12.12.23
Design and Access / Supporting Statement	23/884	-	12.12.23

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.

No negotiations have taken place and no amended plans have been sought or submitted. The planning agent provided agreement (via email) to the inclusion of the pre-commencement conditions relating to contaminated land.

Report Dated:

26.03.24

