

**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:	2024/62/91777/W
Site Address:	Amal Solicitors Ltd, 83, Bradford Road, Fartown, Huddersfield, HD1 6DZ
Description:	Change of use from office (A2) (Class E) to one dwelling (Class C3) (Listed 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.

John Holmes

AUTHORISED OFFICER

Date: 30th September 2024

Officer Report.

Reference: 2024/91777

Location: Amal Solicitors Ltd, 83, Bradford Road, Fartown, Huddersfield, HD1 6DZ

Proposal: Change of use from office (A2) (Class E) to one dwelling (Class C3) (Listed Building)

Site Description.

83 Bradford Road is a Grade II Listed Building, located within the boundaries of the Hillhouse Local Centre. The building forms part of a block of three terraced properties, with the two adjoining properties being residential.

The former use of the building was as a solicitors and it has been vacant since 2017.

Description of Proposal.

Planning permission is sought for the change of use of No. 83 Bradford Road to one dwelling (Class C3).

No external changes are proposed to the building.

History of Negotiations / Amendments Received.

Given the principle of development sought, the case officer informed the applicant that the submission of a noise assessment report and mitigation scheme will be conditioned, as suggested within the consultation response from Environmental Health.

However, the case officer did inform the applicant that this condition would be read as 'prior to first occupation' rather than 'prior to construction work commencing' given that no external changes are proposed.

Relevant Planning History.

At the application site:

- 2010/90381 - Change of use from residential hostel to office premises (A2) (Listed Building). *Granted Conditional Full Permission.*

No. 85 Bradford Road:

- 2016/90578 - Certificate of lawfulness for existing conversion of dwelling to 6 flats. *Certificate of Lawful Use Granted.*

No. 87 Bradford Road:

- 2006/91982 – Conversion of house in multiple occupation to 3 No. S.C Flats and associated parking. *Granted Conditional Full Permission.*

Representations.

This application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 14th September 2024.

No representations received.

Consultation Responses.

KC Highways Development Management (formal) – no objection to the proposal, no specific highway conditions are considered necessary.

KC Environmental Health (formal) – No objections with conditions and informatives regarding the submission of a noise assessment report and mitigation scheme, construction site working times and unexpected contamination.

KC Waste Planning (informal) – There are existing waste collection for trade waste and households adjacent to this site. Nothing regarding waste is shown on plans and would like to ensure that bins are not on the pavement and that three wheelie bins are secured.

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).

- 83 Bradford Road is a Grade II Listed Building.
- The application site is located within EA Flood Zone 2.
- The application site is located within the River Colne Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.
- The site is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP13 – Town Centre Uses
- LP15 – Residential Use in Town Centres
- LP20 – Sustainable Transport
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Other Material Considerations:

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (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 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 The Planning and Compulsory Purchase Act 2004.

Assessment.

1) Principle of Development

Sustainable Development:

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

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

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”*.

Location – Local Centre:

The development seeks permission for the change of use of No. 83 Bradford Road. The site is located within the Hillhouse Local Centre.

Policy LP13 sets out that the function of Local Centres is to provide for top-up shopping and local services, particularly food and drink.

As such, against the purposes of LP13 of the Kirklees Local Plan, the proposal is not considered to accord with the purposes of Local Centres, seeking to change the use of the building to a dwelling.

Despite this, the submitted Heritage Statement sets out that No. 83 Bradford Road has been vacant since March 2017. Given the Listed status of the building, the proposals would see the retention and regeneration of a key historic feature within the Local Centre.

Furthermore, it is noted that the former use of No. 83 Bradford Road was as a solicitors and before that, the submitted Heritage Statement sets out that it was used as a hostel. Therefore, given that the building has never had a retail function, the use of the building as a dwelling is not considered to result in a loss of any retail space.

Policy LP15 of the Kirklees Local Plan refers to 'Residential Uses in Town Centres'. Whilst this policy refers to town centres and the site of this application is within a local centre; it is considered that the criteria for supportable residential development can be used for guidance. Applicable criteria taken from Policy LP15 is considered to be as follows:

“d. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;

e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;

f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;

h. the provision of refuse storage and collection”

The considerations set out above are explored in greater depth within the following sections of this officer's report, including the section relating to residential amenity and highway safety.

New Dwelling:

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are outof-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but

this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 70 of the NPPF recognises that: *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"*.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

Given that the site would see the change of use of an existing building, it is considered that the proposed density of development, one dwelling, is acceptable in this instance.

To conclude, for the reasons set out above, it is considered that, on balance, the principle of the proposed development is acceptable, subject to being considered acceptable with regard other considerations addressed within the below sections of this report, is concluded to be acceptable in principle.

2) Impact on Visual Amenity and Appearance of the Area (Including Impact Upon Historic Environment)

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affect the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive appropriate approach to the local context.”*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that *“the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings.”*

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to *‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’*.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be*

permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

Policies within Chapter 16 of the NPPF are of relevance, this chapter initially sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 200 of the NPPF details that applicants must describe the significance of any heritage assets affected, including any contribution made by their setting and that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 206 of the NPPF details that Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In the event of such harm being considered substantial the justification would need to be exceptional / wholly exceptional if such harm relates to Grade II listed buildings or buildings, parks monuments, battlefields world heritage sites with a higher degree of protection.

This application seeks planning permission of the change of use of the building only and not for any internal or external changes.

Given this, it is not considered that the proposal would result in any detriment to the visual amenities or heritage significance of the site and wider area. No harm is concluded to result to the heritage asset as a result of the development proposal. In this case the development is therefore concluded to accord with the aforementioned policy and legislation.

3) 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.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;

- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- for a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Given that no external changes are proposed to the building, it is not considered that the proposal poses any detriment to residential amenity with regard to impacts of overbearing, overshadowing and / or overlooking.

The adjoining properties of No.'s 85 and 87 Bradford Road are residential, with No. 85 sharing a party wall with No. 83. Given that the proposal seeks permission for the change of use of the building to one dwelling, with it previously functioning as a solicitors, it is not considered that the change of use would result in undue levels of noise pollution for the occupiers of No. 85 and 87 Bradford Road.

With regard to the amenity of future occupiers, no details have been provided regarding the number of bedrooms or number of occupiers at the dwelling, however, it is considered that a dwelling could be provided that would meet space standards. The submitted location plan shows that the dwelling would have a floor area of approximately 52.5m³, with the building four storeys in height.

Furthermore, with regard to habitable room windows, whilst proposed floor plans have not been submitted, it is considered that habitable rooms within the dwelling would be sufficiently accommodated by glazing for reasons of natural light and outlook, with windows to the front and rear elevations of the dwelling and a dormer window and velux windows to serve the roof space.

The dwelling would benefit from private outdoor amenity space to the rear.

To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises, a condition shall be imposed to secure the submission of a noise assessment and mitigation scheme upon any grant of approval.

In conclusion, with the inclusion of the aforementioned conditions, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

4) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. Upon formal consultation, the Highways Officer made the following comments:

The application seeks a change of use from office to a single dwelling. Between March 2010 and March 2017, the property was used as offices by a firm of solicitors, since March 2017 when the solicitors closed the property has been empty. Prior to its use as offices the property operated as a residential hostel. The property forms part of a terraced block of three properties, numbers 83, 85 and 87 Bradford Road, numbers 85 and 87 are currently in use as houses in multiple occupation.

The property has no vehicular access, or off-street parking provision, some on-street parking is available on Bradford Road in the vicinity of the site. As with neighbouring properties fronting Bradford Road waste collection and servicing takes place directly from Bradford Road.

Bradford Road is a high frequency bus corridor with bus stops within convenient walking distance of the site, Huddersfield railway station is around 900m walking distance from the site. There are a number of shops and other amenities in the locale. From a transport perspective the site is considered accessible and sustainable.

In terms of traffic generation, the proposed change of use to a single dwelling is considered beneficial, removing the existing office use, which it is considered if brought back into use, would likely have greater traffic generation potential than a single dwelling.

Highway Development Management have no objection to the proposal, they state that no specific highway conditions are considered necessary.

With regard to bin storage and waste collection, an informal consultation was undertaken with KC Waste Planning. KC Waste Planning highlighted that no details of waste are shown on plan and highlighted that they would like to ensure that bins are not stored on the pavement and that space for three wheelie bins are secured. As such, upon any grant of permission, a condition shall be imposed regarding bin storage.

Subject to condition the development is considered acceptable in this regard, taking account of the response of consultees, the applicable policies and the nature of the proposal.

5) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The 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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy."*

Whilst no climate change information was submitted with the application, the proposals seek to change the use of an existing building, and it would have to be constructed to modern building standards. Therefore, the proposal is considered to be acceptable in this regard.

Bats / Ecology:

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide SPD states that *"Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development."*

The application site is located within the bat alert layer on the GIS mapping system.

The proposal does not include any external alterations and therefore, it is not considered that the development would pose a detrimental impact to bats, if any roosting bats were to be present at the site.

The application form sets out that the site is exempt from Biodiversity Net Gain as the development is subject to the de minimis exemption (development below the threshold), providing the reasoning that the site does not impact a priority habitat and that there is no on-site habitat.

Given that the proposal seeks to change the use of an existing building and does not pose any external alterations, it is considered that the justification provided on the application form in relation to Biodiversity Net Gain can be accepted.

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.

Given that the proposal does not include any external modifications or the removal of any existing trees or hedgerows at the site, the proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

Flood Risk:

Policy LP27 of the Kirklees Local Plan refers to Flood Risk.

As part of this application, Flood Risk Assessment Data and a Flood Risk Assessment were submitted.

The submitted documents provided the following details of flood resilience and resistance measures: *“The development site has existing resilience and resistance measures. The residential ground floor level are situated over 2m from the external ground level. To mitigate against any potential flooding from localised surface water, the floor level is already raised above ground level and there is pre-existing surface water drainage both at the front and rear of the property.”*

Upon any grant of approval, a condition shall be imposed regarding the finished floor levels of the building, to ensure that the finished floor levels remain as existing and are not set any lower than existing levels.

6) 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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated

Application Number: 2024/91777

Officer Recommendation: Approve

Conditions and Reasons:

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

Reason: To ensure compliance with 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 specification 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, LP13, LP15, LP20, LP21, LP22, LP24, LP27, LP30, LP31, LP35, LP51, LP52 & LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18 & 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 9, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. Prior to first occupation of the dwelling, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development, including road traffic and commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (nighttime) and other habitable rooms of the development

c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The development shall not be brought into use until a scheme detailing the waste storage / collection methods has been submitted to, and approved in writing, by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and highway safety, to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. The finished floor levels of the dwelling hereby approved shall remain as existing. The approved finished floor levels shall be so retained for the lifetime of the development.

Reason: In the interests of flood risk and flood resilience measures, in accordance with Policy LP27 of the Kirklees Local Plan.

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: 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: 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 Bank/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: 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: Whilst the change of use has been concluded acceptable, the assessment is based on the principle that no elevation or floor plans have been submitted. Any proposed internal or external works may require Planning Permissions and / or Listed Building Consent. Therefore, the correct consent should be sought for any internal and / or external developments, prior to work commencing.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-13177256v1	-	24.06.24
Heritage Statement	-	-	05.07.24
Flood Risk Assessment Tick Sheet	-	-	05.08.24
Flood Risk Assessment Data	-	-	05.08.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Given the principle of development sought, the case officer informed the applicant that the submission of a noise assessment report and mitigation scheme will be conditioned, as suggested within the consultation response from Environmental Health.

Report Dated: 25.09.24

