KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

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

Reference No:	**2024/70/91931/E**
Site Address:	Former Garages, Smithies Moor Lane, Birstall, Batley, WF17 9AN
Description:	Variation of condition 17 (class E use) on previous permission 2021/91887 for demolition of garages and erection of (class E) commercial, business and service building
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 23-Sep-2024

Officer Report

Site Description

This application relates to a site on Smithies Moor Lane in Birstall, Batley. The site currently contains a number of garages and associated hardstanding. It is located on a predominantly residential street but surrounded by green fields to the north and west of the site.

The site is allocated as Green Belt land within the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for variation of condition 17 (class E use) on previous permission 2021/91887 for demolition of garages and erection of (class E) commercial, business and service building.

Condition 17 on the planning permission 2021/91887 reads as follows:

> *17. The use of the building hereby permitted shall be for purposes within Class E (e) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no other use.*
> *Reason: In order to protect the vitality and viability of town and local centres, as the site is located outside of a town or local centre where retail uses and financial professional services would not be appropriate, in accordance with Policy LP13 of the Kirklees Local Plan.*

The applicant has requested to permit all Class E use classes rather than the use being restricted to Class E(e).

History of negotiations/amendments received

Officers requested additional information regarding the impact of Class E uses on the vitality and viability of the local centres. Following discussion with the applicant it was agreed that the condition could be varied to include use classes E (d/e/f/g) but use classes E (a/b/c) would fall under a main town centre use so would require additional information in order to justify those uses.

Relevant Planning History

2019/93184 Outline application for demolition of garages and erection of 4 dwellings. Withdrawn.
2021/91887 Demolition of garages and erection of (class E) commercial, business and service building. Conditional full permission.

Representations

<u>Final publicity date Expires:</u>
Neighbour letters initially expired on 28th August 2024.

Two representations were received as a result of the above publicity, both as general comments. They raised the following comments:

- Unsure what the proposed change means
- Did not receive notification of the application
- Concerned the change will result in evening and weekend use which will disturb nearby residents
- Noise pollution and impact on nearby residents
- Highway safety issues regarding parking and speeding, plans show insufficient parking. Smithies Moor Lane is a rat run so due to the location it will result in additional traffic.
- Junction should be made wider or traffic calming measures introduced
- Only 6 parking spaces. Will the residents get parking permits to ensure they can park outside their homes.
- Pleased the trees are being retained.
- Would be nice if the area is tidied up and made safe for local children.

These will be discussed in section 6 of this report.

Consultation Responses

No consultees considered necessary.

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 unallocated on the Kirklees Local Plan Proposals Map. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP33** – Trees
- **LP47** – Healthy, active and safe lifestyles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP59** – Brownfield sites in the Green Belt

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, 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 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:
- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees House Extension and Alterations SPD (2021).

Assessment
The following matters are considered in the assessment below –
1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

<u>1 – Principle of development</u>:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 states that:

> *"All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."*

The application site is within the Green Belt as located on the Kirklees Local Plan. The principle of a building in this location, within the green belt, has been carefully assessed and established under application 2021/91887. This application is for the variation of condition 17 which refers to the use class of the building so would not change the size or location of the approved building.

The application site is outside a defined centre boundary. Under application 2021/91887, the applicant was proposing the building would be used for a medical practice, which is not a main town centre use, as defined within the NPPF glossary. LP13 of the Kirklees Local Plan states that main town centre uses shall be located within defined centres. This is supported by Chapter 7 of the NPPF. Therefore, it was conditioned under application 2021/91887 that the development shall be limited to use class E(e) in order to protect the vitality and viability of town and local centres.

The applicant wishes to vary this condition to allow for other uses with Class E. Officers raised concerns that if this were to be permitted, the applicant would need to submit sufficient information to demonstrate the proposed uses would not cause harm to the vitality and viability of the define centre boundaries. This was discussed with the agent and it was concluded that uses under Class (d/e/f/g) would not fall under main town centre uses and therefore the condition could be varied to include these use classes as well.

It is therefore considered that the principle of changing the used classes to Class E (d/e/f/g) is acceptable. 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 will along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby 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."

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…"

Paragraph 131 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The impact on visual amenity was carefully assessed and considered acceptable under application 2021/91887. This application is to vary condition 7 on application 2021/91887 which refers to the use class. This would not include any alterations to the exterior of the building and therefore would not cause any additional harm to visual amenity.

As such, it is considered on balance that the proposal would not cause detrimental harm to the visual amenities of the locality, complying with Policy LP24(a) and (a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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.

The impact on residential amenity was carefully assessed and considered acceptable under application 2021/91887. This application is to vary condition 7 on application 2021/91887 which refers to the use class. It was conditioned under the previous application that a noise assessment would be submitted prior to development commencing to ensure that the proposed use would not cause harm to the amenity of nearby occupiers. It was also conditioned that the opening hours would be limited to 08:00 to 18:00 to ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential

properties, by reason of noise or disturbance at unsociable hour. These conditions would be recommended under the current application to ensure no significant harm is caused to the nearby residents.

As such, it is considered that the proposed development would not result in significant harm to the occupants of the neighbouring properties. The proposal therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The impact on highway safety was carefully assessed and considered acceptable under application 2021/91887. KC Highway comments on the initial application were made on the basis that the application could be any use within class E. This application is to vary condition 7 on application 2021/91887 which would limit the uses to Class E (d/e/f/g). It was conditioned under the previous application that sightlines are submitted and approved by the LPA and details are provided of bin storage and collection.

Subject to conditions, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, failing to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Trees
There are protected trees within the application site. A detailed Arboricultural Method Statement and Tree Protection Plan were provided under application 2021/91887, in line with the submitted Arboricultural Impact Assessment. These documents were considered sufficient to ensure the trees can be protected if the advice is followed. As such, if approval is recommended, a condition would be added to ensure the development is completed in accordance with these documents.

This application is to vary condition 7 on application 2021/91887 which refers to the use class. This would not include any alterations to the exterior of the building and therefore would not cause any additional harm to trees over and above that assessed under application 2021/91887.

Therefore, the proposal is considered to not cause significant harm to arboriculture and would comply with Policy LP33 of the Kirklees Local Plan.

Land contamination
The site is adjacent to a former smallpox hospital and is therefore potentially contaminated. As such contaminated land condition would be recommended should this application be approved.

The site is also within a High Risk Coal Mining area as defined by the Coal Authority. A Coal Mining Risk Assessment was submitted under the previous application and the Coal Authority were consulted. Officers agree with the recommendations of the Coal Mining Risk Assessment, dated 19 May 2021 and prepared by Soil and Structures Ltd that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. As such, conditions would be recommended to ensure the site is safe and stable for the development proposed.

This application is to vary condition 7 on application 2021/91887 which refers to the use class. This would not include any alterations to the exterior of the building and therefore would not cause any additional land contamination issues over and above those assessed under application 2021/91887.

The proposed therefore complies with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

6 – Representations:

Two representations were received as a result of the publication of this application, both as general comments. They raised the following comments:

- Unsure what the proposed change means
  Officer response: The description of proposal outlined what the development is for and has been assessed accordingly.
- Did not receive notification of the application
  Officer response: This application was advertised in accordance with the Development Management Procedure Order 2015 and the council's Development Management Charter.
- Concerned the change will result in evening and weekend use which will disturb nearby residents
  Officer response: the hours of use would be secured by condition.
- Noise pollution and impact on nearby residents
  Officer response: A noise assessment would be secured by condition to ensure the impact of noise is mitigated.
- Highway safety issues regarding parking and speeding, plans show insufficient parking. Smithies Moor Lane is a rat run so due to the location it will result in additional traffic.
- Junction should be made wider or traffic calming measures introduced

- Only 6 parking spaces. Will the residents get parking permits to ensure they can park outside their homes.
  Officer response: As outlined within the highway safety section of this report, the application, subject to conditions the impact on highway safety is considered acceptable.
- Pleased the trees are being retained.
- Would be nice if the area is tidied up and made safe for local children.
  Officer response: These comments are in line with officer recommendation.

7 – Conclusion:

This application Variation of condition 17 (class E use) on previous permission 2021/91887 for demolition of garages and erection of (class E) commercial, business and service building at the land on Smithies Moor Lane 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.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2024/91931
Officer Recommendation: Approve
Conditions:

1. The development hereby permitted shall be begun prior to 9th Feb 2026
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, LP20, LP21, LP22, LP24, LP30, LP33, LP47, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, and Chapters 2, 4, 8, 9, 12, 13 and 15 of the National Planning Policy Framework.

3. The external walls of the development hereby approved shall be finished in Brick and Timber Cladding and the roofing materials shall be finished in 'Grey Aluminium Insulated Sheet Roofing' as demonstrated on the approved plan "14837 04A" and thereafter retained.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Other than demolition, no development shall commence until:

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 191 of the National Planning Policy Framework.

5. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in Protecting the public and the environment in mining areas 3 writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 191 of the National Planning Policy Framework.

6. 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 paragraph nos. 189 and 191 of the National Planning Policy Framework. This is a pre-commencement condition to protect future occupants of the development from any potential land contamination and ensure that this is investigated at an appropriate time.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6 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 paragraph nos. 189 and 191 of the National Planning Policy Framework. This is a pre-commencement condition to protect future occupants of the development from any potential land contamination and ensure that this is investigated at an appropriate time.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 191 of the National Planning Policy Framework. This is a pre-commencement condition to protect future occupants of the development from any potential land contamination and ensure that this is investigated and remediated at an appropriate time.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 paragraph nos. 189 and 191 of the National Planning Policy Framework

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 191 of the National Planning Policy Framework

11. Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all of the noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises on Smithies Moor Lane
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: In the interest of residential amenity and to ensure the proposal is in accordance with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework

12. The use hereby permitted shall not be open to customers outside the hours of 08:00 to 18:00 Monday to Friday, and 08:00 to 18:00 Saturday. No activities shall take place on Sundays or Bank Holidays. There shall be no deliveries to, or dispatches from the premises outside these hours.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. Before the development is brought into use, one electric vehicle recharging point shall be installed. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW)

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

14. Prior to the development being brought into use, the sightlines of 2.4m x 43m along Smithies Moor Lane shall be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall be cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction throughout the lifetime of the development.
Reason: To ensure adequate visibility in the interests of highway safety and to comply with LP21 and LP22 of the Kirklees Local Plan.

15. Before development commences on the superstructure of the building hereby approved, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety and to comply with LP21 and LP22 of the Kirklees Local Plan.

16. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement and Tree Protection Plan, reference (JCA, ref 14957c). These shall be implemented and maintained throughout the construction phase and retained thereafter as required.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

17. The use of the building hereby permitted shall be for purposes within Class E (d), (e), (f) and (g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no other use.
Reason: In order to protect the vitality and viability of town and local centres, as the site is located outside of a town or local centre where retail uses and financial professional services would not be appropriate, in accordance with Policy LP13 of the Kirklees Local Plan.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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

NOTE: All noise assessments should be carried out by a competent person. Developers 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: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The Kirklees Cleansing Department guidance document "Waste Storage and Collection Guidance for New Developments" is available from trade.waste@kirklees.gov.uk.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	14,837/OS	A	05/05/2021
Proposed plans and elevations	14837 04	A	05/05/2021
Existing plans and elevations	14837 01	A	05/05/2021
Planning Statement			05/05/2021
Arboricultural Implications Plan	14957 b/ChC		11/05/2021
Arboricultural Impact Assessment	BS 5837:2012		11/05/2021
Tree protection plan	14957 c/ChC		01/11/2021
Arboricultural Method Statement	BS 5837:2012		01/11/2021
Proposed site plan	14837 05	B	19/01/2022
Coal Mining Risk Assessment	10005-R-001-V03		19/05/2021

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.

Officers requested additional information regarding the impact of Class E uses on the vitality and viability of the local centres. Following discussion with the applicant it was agreed that the condition could be varied to include use classes E (d/e/f/g) but use classes E (a/b/c) would fall under a main town centre use so would require additional information.

Report Dated: 19/09/2024