

**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:	<b>2024/62/92104/E</b>
Site Address:	land at, Whitechapel Road, Cleckheaton
Description:	Erection of one dwelling and revised pumping station details
Recommending Officer:	William Simcock

**DECISION – S106 Full Permission – Granted**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Nicholas Hirst

***AUTHORISED OFFICER***

**Date:** 14/01/2025

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## **Officer Report – 2024/92104**

### **Land at Whitechapel Road, Cleckheaton**

#### **Site Description**

The site that is the subject of this application forms a small area near the north-eastern corner of a larger site that has an extant permission for the erection of 122 dwellings located to the north of Whitechapel Road, to the west of Whitechapel Church of England Primary School and a vacant former public house, and to the east of the M62.

The application site forms part of the north-western edge of Cleckheaton. Implementation of the approved development is ongoing but is more advanced near the southern end and western margin of the site.

The site for which permission is now being sought is presently undeveloped, with a belt of trees to its east and north, beyond which are school playing fields.

#### **Description of Proposal**

The proposal is for the erection of a single dwelling house and for revised pumping station details. The proposed dwelling lies within the layout approved as part of Planning Application Ref. 2021/94498 (itself a variation of condition on permission 2019/93658) for the erection of 122 dwellings, which included the erection of a pumping station.

The background to this application is that the originally proposed surface water drainage scheme, which was gravity-based drainage outfall required access across third party land (school playing field)s. This would need a Department for Education approval, and an independent valuation by Kirklees on compensation has also been undertaken. The original route would therefore mean significant delays and additional costs to the developer.

An alternative outfall is therefore proposed. The intended route is the existing Culvert in Whitechapel Lane which has been agreed in principle by Kirklees Lead Local Flood Authority, subject to necessary repairs and additional survey work being undertaken.

This means working against gravity and requires a larger pumping station to accommodate both surface and foul water pumping (the original pumping station was only required to pump foul sewage, not surface water).

The current proposal is to provide the enlarged pumping station. This will, however, require the loss of one of the approved dwellings (Previous Plot No.

96) to accommodate it. This is because a foul pumping station requires a stand-off distance of 15m from habitable rooms due to the potential for odour.

The pumping station is shown in the same position as before (and outside the present site boundary) but to its south-west, and within the site boundary, a grey hatched area of 5m by 16.5m is shown, designated “extension to pumping station – location and design to be confirmed.”

The site plan for the 2019 application showed the proposed pumping station as a blue outlined square in the north-eastern corner of the site, with the annotation that location and design were to be confirmed.

The dwelling on Plot 97 would be unchanged in its design although its siting would be shifted by circa 1m to the north-east. Furthermore, the plot’s single garage would become a free-standing structure instead of being linked to a neighbouring garage, and the dwelling moved north-east by approximately one metre.

The former Plot 96 has been removed.

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

An amended site plan was submitted (Rev XX) to reflect the most recent landscaping layout for the wider site, but this had no implications for the development to which this application relates, and therefore was not subject to new public consultation.

### **Relevant Planning History**

- 2019/93658 - Erection of 122 dwellings, landscaping and associated infrastructure – Approved Subject to Section 106 Agreement and Conditions. Development has commenced and approximately half the units are complete, or nearing completion.

Section 106 Agreement  
[filedownload.aspx \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/filedownload.aspx)

- 2021/94498 - Variation of condition 2 (Plans and Specification), 5 (Materials), 9 (Diverted Footpath), 12 (BNGA), 13 (CEMP:Biodiversity), 14 (Arboricultural Impact and Method), 17 (Acoustic Barrier), 18 (Noise Mitigation) and 22 (Electric Vehicle Charging) on previous permission 2019/93658 for erection of 122 dwellings, landscaping and associated infrastructure. Granted 19-Apr-2023.

### **Representations**

Final publicity date expires: 13-Sep-2024.

Since the application is for fewer than 10 dwellings, the application is classed as Minor development. As such there is no statutory duty to post a site notice. Notwithstanding this, the case officer chose to do so to ensure that all local residents (including occupants of recently completed dwellings), who might be affected, would have the chance to comment. This was in addition to neighbour notification letters. Thereby the Council's obligations under the Development Management Procedure Order and Kirklees Development Management Charter were fulfilled.

No representations were made.

## **Consultation Responses**

The following is a summary of Consultee advice received:

K.C. Lead Local Flood Authority: No objection in principle to this application.

## **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 27<sup>th</sup> February 2019).

The site forms part of a housing allocation (HS97) within the Local Plan proposals map. The allocation's indicative capacity is 122 dwellings.

The following Local Plan policies were considered relevant to the determination of the original application:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape

- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

### **Supplementary Planning Documents**

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document, (HGD SPD)
- Open Space Supplementary Planning Document
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in December 2024, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

### **Assessment**

The following matters are considered in the assessment below:

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Drainage
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

## 1 – Principle of development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

*“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.”*

The site is part of Housing Allocation HS97 and the principle of the erection of 122 dwellings has been accepted via the previous applications on site. This application would result in the number of units on the allocation / site reducing from 122 to 121.

Given the present under-supply of deliverable housing land, the loss of even one unit (especially where it would reduce the units delivered to below indicative capacity, and a reduction from a previous approval) should be avoided if possible.

Notwithstanding the above, the applicant has demonstrated reasonable grounds for the inclusion of the enlarged pump station (considered within section 5 of this assessment ). By virtue of the pump station's larger size, the previous plot 96 would fall into the 15m stand off-distance, and therefore its removal is necessary to avoid odour pollution for future residents.

Given the circumstances which have necessitated the enlarged pump station, on balance, the loss of a single unit is considered an acceptable outcome since without amended drainage arrangements, the entire development may be unduly impacted upon.

Paragraph 140 advises that planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Whilst the proposal has been submitted as a free-standing application and not as an application under Section 73 (variation of condition), it is considered that this principle should still be applied.

## 2 – Impact on visual amenity

Seen in the context of the new development as a whole, the proposed changes, consisting of the deletion of one plot, a minor change to the position of another, and an enlarged pumping station, would, it is considered, be insignificant, owing to their scale and being placed in the part of the site that is least visible from the existing highway network.

For the avoidance of doubt, the one dwelling proposes as part of this application has been previously approved. This includes its appearance, being a housetype approved elsewhere in the wider development of the allocation, and its appearance remains acceptable. As noted above, its minor relocation (and garage being singular as opposed to double) has nominal visual impacts.

On the Management Company Plan, 8040 Rev G, approved as part of 2021/94498, the land surrounding and immediately to the south of the pumping station is designated Public Open Space.

The proposed layout as shown on P17:5076:01 WW does not make it clear what is to happen to the “leftover” land to the south of the proposed pumping station and to the north of Plot 97, but this is not a cause for concern as it will be covered by the original condition (6) which requires the submission of a comprehensive landscaping plan.

In conclusion, the proposal is considered to accord with the principles of good urban design as set out in the above policies.

### 3 – Impact on residential amenity

The dwelling on Plot 97 as proposed would still have its main outlook to the east and west. It would face Plot 60 at 13m and the eastern site boundary, where there is a tree belt, at a distance of 13.5m. This would not result in any significant change to the outlook the property would enjoy, as against that in its approved position.

Plot 97 would be circa 23m away from the enlarged pump station, beyond the 15m odour exclusion zone, prevent concerns of odour pollution.

No further conditions are required to protect residential amenity.

It is considered that the development would provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, thereby according with the aims of LP24(b).

### 4 – Impact on highway safety

The internal road layout of the estate would be unchanged. The dwelling on Plot 97 would still have the same level of parking provision and means of access. To provide space to park a car, the garage should have an internal width of at least 3m. Based on scaled measurements on the site plan it seems likely that this would be achieved, but it should be conditioned for the avoidance of doubt. Subject to this, the development would be consistent with delivering safe and convenient access for the wider development and would accord with the aims of LP20-22.

### 5 – Drainage

This application follows separate discussions with the applicant pursuant to the drainage arrangements of application 2021/94498 (itself a variation of condition on permission 2019/93658).

The originally proposed surface water drainage scheme for the development of the whole allocation, pursuant to application 2021/94498, was a gravity-based drainage outfall that required access across third party land (the adjacent Whitechapel Church of England Primary School) to the point of discharge. However, it has since been identified that this would require the approval of the Department for Education as well as an independent valuation by Kirklees on compensation, to allow the use of the land. The original route would therefore mean significant delays and additional costs to the developer, which is claimed to risk the implementation and viability of the wider development site.

An alternative outfall has therefore been proposed by the application, which avoids crossing third-party land. The newly proposed route is an existing culvert in Whitechapel Lane, although would necessitate a surface water pump, due to there being no gravity-based solution. This new drainage design has been agreed, in principle, between officers, the LLFA, and the applicant, subject to necessary repairs and additional survey work of the culvert being undertaken. This should, however, be noted to be outside the remit of the current application and would be progressed via the discharge of condition 32 on 2021/94498.

Notwithstanding this, to facilitate the new drainage arrangement, a new surface water pumping station is needed (in addition to the previously approved foul water pumping station). The provision of such a structure is outside the scope of condition 32 and the discharge of condition process, particularly as the enlarged footprint of the pump station (which enlarges the odour related exclusion zone) necessitates the removal of a plot (plot 96). Therefore, this standalone application has been necessary to normalise the planning situation and will sit alongside the approval of 2021/94498.

As noted previously, the loss of plot 96 weighs against this proposal. However, the need to secure a practical and workable drainage solution carries notable weight in the planning balance. Officers conclude that the benefits of the proposal outweigh the harm of losing one unit within the allocation (as previously identified).

It is concluded that the proposed new pumping station and other minor changes to layout would be compatible with the safe and sustainable drainage of the site, thereby according with the aims of LP28.

## 6 – Section 106 Agreement

The following provisions were included within the original S106 Agreement for 2021/94498:

- On-site affordable housing to be secured in perpetuity (24 dwellings).
- Financial contributions to Public Open Space (POS), Education, Highway Improvements, Bus Stop, Sustainable travel fund, travel plan monitoring fee, walking and cycle way improvements, inspection and certification charge.
- Provision, management and maintenance of on-site Public Open Space and managed areas.
- Provision, management and maintenance of drainage works.
- Biodiversity net gain and offsetting scheme where required.

The two houses affected by this application, plots 96 (omitted) and 97, are of the Radleigh and Alderney types, both of which were designated as open market, not affordable housing on the originally approved layout or that approved under the subsequent variation of condition application. The change will therefore not directly affect the site's contribution to the supply of affordable housing. The number of affordable housing units is not proposed to be reduced, due to the removal of plot 96.

Indirectly, however, schedule 2 (affordable housing) of the S106 provides that the last of the affordable units must be completed and made available for occupation before the 99<sup>th</sup> open market unit is occupied. With the loss of one unit that was to have formed part of the original scheme (and replacement with one unit, thereby resulting in a net loss of one), Schedule 2 would need to be re-worded to ensure that a suitable trigger point is specified (i.e., changing the trigger to 98<sup>th</sup> unit).

To ensure that all provisions of the original S106 agreement, as applicable to the original Plot 97, also apply to the entire development including Plot 97 as modified, the developer has agreed to enter a Deed of Variation, which has now been signed and dated.

## 7 – Other matters

### *Climate Change*

On 12<sup>th</sup> 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 pre-dates 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.

It is considered that the proposed changes do not have any additional implications for climate change (as against the original approval).

### *Ecology*

The proposal would not have a materially different impact upon local ecology compared to that approved, and implemented, via app ref. 2021/94498.

The provision of a Biodiversity Net Gain (BNG) of 10% is a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (hereafter the Act). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has claimed that the site is exempt from the net gain condition, stating that this development is subject to the de minimis exemption (development below the threshold). This exemption is:

*A development that does not impact a priority habitat and impacts less than:*

- *25 square metres (5m by 5m) of on-site habitat*
- *5 metres of on-site linear habitats such as hedgerows*

*A development 'impacts' a habitat if it [decreases the biodiversity value](#).*

Officers concur with this assessment, bearing in mind that the site has been stripped in accordance with the implemented permission 2021/94498 at the time of writing. Furthermore, 2021/94498 includes a condition for ecological enhancements which accounted for the original 122 unit scheme which remains in force. Accordingly, bearing in mind the atypical circumstances of the proposal, officers are satisfied that this development is exempt, and the standard net-gain condition need not be applied.

### 8 – Conditions

This application would overlap and replace part of the development approved pursuant to application 2021/94498. As this is a new planning application, not a Section 73 application, there should not be a default assumption that all the conditions imposed for the larger the major housing application should be carried over to this new permission. Conditions will be applied only if they are clearly relevant and necessary to the development under consideration as part of this application.

The following matters were conditioned on 2021/94498, which is the most recent permission for the wider site:

1. Time limit for commencement (statutory)
2. Development to be in accordance with plans
3. Construction management plan
4. Temporary water drainage
5. Materials
6. Landscaping
7. Further details of retaining walls
8. Footpath diversion
9. Footpath retention
10. Footpath user protection
11. BEMP
12. Biodiversity net gain
13. CEMP (biodiversity)
14. In accordance with AIA and AMS
15. Structural information on works within 15m of Highway England boundary
16. Retaining walls / structures near highway
17. Acoustic barrier
18. Noise mitigation
19. Ventilation
20. Contamination
21. Imported topsoil and verification report
22. Electric vehicle charging points
23. Secure cycle storage
24. Internal highway
25. Measures to restrict parking on Whitechapel Road
26. Travel plan
27. Visibility splays on Whitechapel Road
28. Temporary storage and collection of wastes
29. Waste storage and collection (general)
30. Separate foul and surface water drainage
31. Measures to protect existing sewer network
32. Full drainage scheme
33. Revised FRA
34. Assessment of 1 in 100 year storm event
35. Pumping station design, materials and means of maintenance access
36. Vehicle parking areas drained
37. Details of external lighting
38. Cables, external plumbing, alarm boxes and CCTV
39. PD rights A, D and E
40. No removal of hedgerows shrubs or trees
41. Finished floor and ground levels
42. Details of sales centre
43. Details of surface water drainage infrastructure

It is considered that conditions 3, 4, 6-17, 20-21 23-34, 37 and 42-43 are not necessary in this case as they would be addressed within the remit of a

discharge of condition application for the wider site (several such applications have been submitted and are currently ongoing). The details and measures pursuant to those conditions will be applicable to this site. While procedurally this application is 'standalone', in practise it is part of the larger development and there is no reasonable prospect of this part of the site being excluded due to the procedural position (i.e., the remediation for this plot specifically not being done). Conditions must pass the six tests detailed in the NPPF, and in this case the reimposition of the conditions is not considered reasonable or necessary.

The conditions on noise and ventilation (18-19) are not needed as the plots to which they relate (1, 13, 14 and 35) are not those that are affected by this application.

It is considered that the following conditions should be applied as they are relevant to both the pumping station and the new dwelling, and might not be enforceable if they were applied to the larger scheme alone:

1. Time limit for commencement
2. Development to be in accordance with plans
3. Materials
4. Pumping station design, materials and means of maintenance access
5. Vehicle parking areas drained
6. Cables, external plumbing, alarm boxes and CCTV
7. PD rights A, D and E
8. No removal of hedgerows shrubs or trees
9. Finished floor and ground levels
10. Electric vehicle charging points

## 9 – Representations

No representations were made.

## 10 – 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 – GRANT PLANNING PERMISSION**

**Decision Authorisation:** Delegated Powers

**Application Number:** 2024/92104

**Officer Recommendation:** GRANT PLANNING PERMISSION

### **Conditions and Reasons**

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

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

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The development shall be constructed of materials in accordance with the details approved in the discharge of conditions letter (dated 3rd February 2023) attached to application 2021/93584.

**Reason:** In the interests of visual amenity and to conserve the setting of the adjacent Grade II listed Whitechapel Church and to accord with Policies LP24 and LP35 of the Kirklees Local Plan as well as Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to the construction of any pumping station for drainage (foul and/or surface water), full details of the design, materials and means of management and maintenance, including maintenance access, shall be submitted to and approved in writing by the Local Planning Authority. The pumping station and its means of access shall thereafter be constructed in accordance with the approved details and shall thereafter be operated in accordance with the approved details.

**Reason:** In the interest of good design and highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

5. Prior to the occupation of the hereby approved dwelling, the approved vehicle parking areas for that dwelling shall be surfaced and drained in accordance with the details shown in the approved 'Driveway Specifications' drawing (Reference: 106-MISC.003 Revision B) and shall thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. No above ground works shall take place until a scheme of details of finished floor levels of the new dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. Thereafter the works shall be so retained.

**Reason:** To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent land/property, so as to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

10. Prior to the occupation of the dwelling, an Electric Vehicle Charging Point (EVCP) installed to serve the dedicated parking space shall be installed and made ready for use. The cable and circuitry ratings for the EVCP shall be of

adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging point shall be retained thereafter.

**Reason:** In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

### ***Construction Site Working Times – Footnote***

It is recommended that noisy construction related activities should not take place outside the hours of:

Mondays to Fridays: 07.30 to 18.30 hours

Saturdays: 08.00 to 13.00 hours

With no noisy activities on Sundays or Public Holidays

### ***Construction Sites working times – Footnote***

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			01-Aug-2024
Location plan	LOC/01		26-Jul-2024
Proposed site plan	P17:5076:01	XX	01-Nov-2024
Pumping station optioneering sketch	WCR-WSP-XX-ZZ-SK-C-24051	P04	02-Sep-2024
Flood routing plan	H8040-0504_DETAILS – ENGINEERING_AFU_ S104 FLOOD ROUTING PLAN_	C07	02-Sep-2024

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.

The case officer did not enter negotiations with the applicant since no amendments to the plans were deemed necessary.

**Report Dated:** 09-Jan-2025