

## DISCHARGE OF CONDITIONS

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location	Holmfirth Attested Auction Market Ltd, Riverside, Woodhead Road, Holmfirth, HD9 2PR
application	Demolition of Existing Livestock Auction Building and Erection of Replacement Agricultural Building
client/applicant	Holmfirth Attested Auction Market Limited
job number	23/884
date	August 2024

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Ltd  
**PAUL MATTHEWS**ARCHITECTURAL

### ARCHITECTURE | PLANNING | DESIGN

Malkin Farm  
Brow Lane  
Holmfirth  
HD9 2RJ  
07946872499

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Company Registration Number: 09898149 - Company Registered in England and Wales

This discharge of conditions application is for the two pre-conditions that formally require to be discharged following the [2023/62/93551/W](#) planning approval.

The formal approval can be found within Appendix A of this statement.

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This application is to formally discharge Conditions 4, 5, 6, 7 & 8 of the decision notice. This is to enable the works to formally commence, in accordance with the 2023/62/93551/W planning approval.

Condition 4 states;

*4. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.*

***Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues.*

A phase 1 contamination report accompanies this formal application.

Please note, conditions 5, 6, 7 & 8 are the subsequent contaminated ground conditions, given the phase I report concludes (pg 24) *“we would recommend that no intrusive investigation action is required based on the CSM with respect to the environmental condition of the site. Further investigation should however be employed regarding the presence of suspected Asbestos containing materials and requirements for safe disposal.”* We trust the subsequent (ground contamination) conditions 5, 6, 7 & 8 can also be discharged.

Please also note an asbestos survey has also been carried out and accompanies this discharge of condition application for the purposes of completeness.

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We trust this will enable the conditions to be discharged discharged to enable works to formally commence.

Naturally should the Local Authority Planning Department require any further information relating to this discharge of condition application please contact Paul Matthews Architectural Ltd.

We respectfully ask for contact from the case officer prior to the formal determination of this application.

# **APPENDIX A**

2023/93386 Planning Approval



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2023/62/93551/W**

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**To:** Paul Matthews Architectural  
Malkin Farm  
Brow Lane  
Holmfirth  
HD9 2RJ

**For:** HOLMFIRTH ATTESTED AUCTION MARKET LTD

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

DEMOLITION OF EXISTING AUCTION BUILDING AND ERECTION OF  
REPLACEMENT AUCTION BUILDING

**At:** HOLMFIRTH ATTESTED AUCTION MARKET, RIVERSIDE, WOODHEAD  
ROAD, HOLMFIRTH, HD9 2PR

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**In accordance with the plan(s) and applications submitted to the Council on  
16-Jan-2024, subject to the condition(s) specified hereunder:-**

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 Policies LP1, LP2, LP8, LP21, LP22, LP23, LP24, LP27, LP30, LP31, LP51, LP52 & LP53 of the Kirklees Local Plan, Policies 1, 2, 7 and 12 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

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

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

4. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues.

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be safely developed taking into account potential contamination issues and proper remediation of the site.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.  
**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. The demolition of the building hereby approved shall be undertaken in accordance with the recommendations in Section 10 of the Bat Scoping Survey by John Gardner dated 18th August 2023  
**Reason:** To avoid demolition during the period when the building could be used for roosting bats and to accord with Policy 30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.

10. The construction of the new building shall provide for the specification, positioning and location of the 3no. one bat boxes (two Schwegler 1FTH and one Schwegler 1WI) and 8no. swift boxes (Schwegler no. 16 or similar alternative) as shown on plan No. 23/884/06c before the building is first brought into use. Thereafter the boxes shall be retained on the building in accordance with the details shown on the aforementioned plan.  
**Reason:** To provide an enhancement to biodiversity in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.

**NOTE: Contaminated Land**

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2023. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE: Construction Site Working Times**

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

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	23/884/01	-	12.12.2023
Elevations as Existing	23/884/04	-	12.12.2023
Building Plans as Existing	23/884/03	-	12.12.2023
Plans as Proposed	23/884/05b	-	12.12.2023
Elevations as Proposed	23/884/06c	-	12.12.2023
Proposed Site Plan	23/884/07a	-	12.12.2023
Existing Block Plan	23/884/02	-	12.12.2023
Site Plan Sheet No. 2	PMA_045_HAAM	-	12.12.2023
Site Plan Sheet No. 1	PMA_045_HAAM	-	12.12.2023
Flood Risk Assessment by Advant Engineers	-	Rev B	17.01.2024
Climate Change Statement	23/884	-	12.12.2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Bat Scoping Survey	-	-	12.12.2023
Design and Access / Supporting Statement	23/884	-	12.12.2023

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

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

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

#### Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

#### Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

#### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 27-Mar-2024

Signed:



David Shepherd  
Strategic Director Growth and Regeneration

#### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2023/62/93551/W.

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

**Write to:** Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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