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:	**2024/70/93268/E**
Site Address:	Land off, Staincliffe Road, Dewsbury Moor, Dewsbury, WF13 4RD
Description:	Variation of condition 2 (plans) of previous permission 2023/93059 for erection of light industrial units
Recommending Officer:	Nina Sayers

DECISION – VARIATION OF CONDITION APPROVED

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: 24-Jan-2025

Officer Report

Site Description

Land off, Staincliffe Road, Dewsbury Moor, Dewsbury, WF13 4RD

The application site related to a plot of land adjacent to Staincliffe Road and Bronte Close in Dewsbury. The site slopes downwards from north to south. The site has previously served a residential dwelling known as Squirrel Hall Farm but is currently vacant. There are a number of vacant units on the site which have previously been used for storage facilities but are of poor quality and have fallen into disrepair. The site is currently accessed off Staincliffe Road to the south-west.

The site is within a predominantly residential area, although it is noted there is a commercial garage to the north, and Dewsbury Hospital is located to the east. The site is unallocated within the Kirklees Local Plan. There is a collection of trees to the south-east of the site which are covered by a Tree Protection Order (TPO). There is a footpath running along the north of the site which adjoins Bronte Close to the Hospital.

Description of Proposal

Planning permission is sought for the variation of condition 2 (plans) of previous permission 2023/93059 for erection of light industrial units.

Condition 2 of previous permission 2023/93059 reads as follows:

"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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP9, LP21, LP22, LP24, LP30, LP33, and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework."

The revised plans show changes the access arrangements by introducing a second roller shutter door to unit 3 which would include extending the highway, with a retaining structure to allow for access. This would allow one door for 'goods in' and one door for 'goods out'. There is also an additional pedestrian door.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. Officers asked the applicant to demonstrate that the extended parking/loading area would not interfere with the access to 11 Pit

Lane. Amended plans were received which reduced the size of the proposed extended area.

Relevant Planning History

2024/93268 – Discharge of details reserved by conditions 8 (lighting), 9 (boundary treatment), 10 (arboricultural method statement) on previous permission 2023/93059 for erection of light industrial units – Split decision discharging conditions 9 and 10.

2023/93059 Erection of light industrial units. Conditional full permission.

91/05398 Outline application for residential development. Conditional outline permission.

Representations

Final publicity date Expires:

Neighbour letters initially expired on 27th December 2024.

One representation, a general comment, was received in response to the above publicity. They raised the following comments:

- Changes impede access to neighbouring property and request the neighbouring access is not blocked or altered.

Officers will respond to these comments in section 6 of this report.

Consultation Responses

KC Highways DM: No objections.

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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 9** – Supporting skilled and flexible communities and workforce
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision

- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 53** – Contaminated and unstable land

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 12th December 2024, 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 12** – Achieving Well-Designed Places
- **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).

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.

This application is for the erection of an industrial unit on unallocated land. LP9 of the Kirklees Local Plan states "*wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district*".

The land is unallocated within the Kirklees Local Plan and the site has historically served agricultural buildings but is currently vacant. The site is within a predominantly residential area, although it is noted there is a commercial garage to the north and to the east of the site is Dewsbury Hospital.

The principle of an industrial unit in this location has already been established under application 2023/93059 and this applicant would not change the principle which is therefore acceptable in this instance. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues 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 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…"

"c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"

Paragraph 134 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.

This application is to vary condition 2 (plans) on the previously approved scheme 2023/93059. The proposed changes would be to the access arrangements including extending the parking area, introducing a second roller shutter door to unit 3 and an additional pedestrian door. All other aspects of the development have been assessed and considered acceptable under 2023/93059. Therefore, officers will now assess the impact of the proposed changes only.

The proposed additional openings in western elevation would be in keeping with the already approved openings in terms of scale, design and materials and as such the proposed changes would not cause any significant harm to visual amenity.

The proposed retaining structure and extended parking/loading area would be ~0.7m high with a 2m fence above. The proposed would protrude south compared to that already approved, however given the relatively low height, the proposal is considered to not cause significant harm to visual amenity.

As such, officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality and would comply with Policy LP24(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.

This application is to vary condition 2 (plans) on the previously approved scheme 2023/93059. The proposed changes would be to the access arrangements including extending the parking area, introducing a second roller shutter door to unit 3 and an additional pedestrian door. All other aspects of the development have been assessed and considered acceptable under 2023/93059. Therefore, officers will now assess the impact of the proposed changes only.

It is considered that the proposed changes to previously approved plans would remain a significant distance from neighbouring properties and would not cause significant harm to the amenity of their occupiers.

As such, it is considered, subject to conditions imposed under the previous application, that the proposed development would not result in harm to

residential amenity. 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 116 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.

This application is to vary condition 2 (plans) on the previously approved scheme 2023/93059. The proposed changes would be to the access arrangements including extending the parking area, introducing a second roller shutter door to unit 3 and an additional pedestrian door. All other aspects of the development have been assessed and considered acceptable under 2023/93059. Therefore, officers will now assess the impact of the proposed changes only.

The proposed additional parking/loading area would be located in the southern corner of the already approved hardstanding for parking/loading. The proposed would allow access to the proposed new opening in unit 3. It is the applicants intention that the doors to unit 3 would be used for 'goods in' and 'goods out'. It is considered that whilst the space is only a relatively small additional area of hardstanding it would appear sufficient for the proposed use. KC Highways Development Management (HDM) were consulted on the proposals and given that the existing access, parking, servicing and internal vehicle turning arrangements are unchanged by these proposals they raised have no objection to the proposed amendments.

The proposed extended parking/loading area, and the associated retaining structure would protrude southwards. It is noted that there is an access to 11 Pit Lane within the southern park of the site, and this was raised as a concern by representation. Officers asked the applicant to demonstrate that the proposed alterations would not interfere with the existing access. Amended plans were received which reduced the projection of the additional section of highway. The proposed would be predominantly on currently vacant land and Officers are satisfied, based on the information submitted, that the access to 11 Pit Lane would not operational following development.

It is therefore considered that the proposal would not cause additional harm to the safe and efficient operation of the highway network, thus complying with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

All other relevant matters were carefully considered and assessed under application 2023/93059. The proposed changes to the plans under this application would not impact any other matters.

6 – Representations:

One representation, a general comment, was received in response to the above publicity. They raised the following comments:

- Changes impede access to neighbouring property and request the neighbouring access is not blocked or altered.
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Officer response: This is a material planning consideration which has been considered within the Highway Safety section of this report. It is noted that the applicant has signed certificate of ownership B. The granting of planning permission does not override any private rights of ownership, and it is the applicant's responsibility to ensure they have the legal right to carry out the approved works.

7 – Conditions:

As this is a S73 (variation of condition) application, a review of all conditions upon the original consent is required to be undertaken. The following conditions were added to the previous permission 2023/93059:

1. The development hereby permitted shall be begun within three years of ~~the date of this permission~~ 24-JUL-2024.
This condition is recommended to be amended to align with the date of the original permission.

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.
This condition shall remain as worded.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks 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 Validation 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 Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
This condition shall remain as worded.

4. The development shall not be brought into use until all of the measures specified in the approved Acoustic Planning Report authored by Lighthouse Acoustics dated 24 May 2023 Ref 1086/APR1 have been carried out in full and such measures shall be thereafter retained.
This condition shall remain as worded.

5. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
This condition shall remain as worded.

6. The use hereby permitted shall not be open to customers outside the hours of:

- 0800hrs to 1800hrs Monday to Friday
- 0800hrs to 1600hrs Saturday and Sunday

There shall be no deliveries to, or dispatches from the premises outside these hours. *This condition shall remain as worded.*

7. Before first occupation, charging facilities for electric vehicles and other ultra-low emission vehicles at the premises must be installed. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.
This condition shall remain as worded.

8. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The proposed hours of operation of the lighting
a) The location of all the luminaires
b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
c) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
d) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.
This condition shall remain as worded.

~~9. Notwithstanding the submitted plans and information, before development commences on the superstructure of the building hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.~~

9. Before the development is first brought, the boundary treatment shall be completed in accordance with the Proposed Site and Boundary Plan Ref: '2852_ACU (200)01' submitted as part of application 2024/93400 and discharged by letter dated 24th January 2025.

As condition 9 has been discharged under application 2024/93400 it is recommended this condition be re worded to reflect that scheme which has been approved.

~~10. Prior to the development of the proposal, a detailed Arboricultural Methods Statement and Tree Protection Plan must be submitted to and approved in writing by the Local Planning Authority. Development must then be carried out in accordance with the approved details.~~

10. The development shall be completed in accordance with the Arboricultural Method Statement Ref: '231213 MS', Arboricultural Impact Statement Ref: '231213 AIA and Tree Survey Ref: '231213' submitted as part of application 2024/93400 and discharged by letter dated 24th January 2025.

As condition 10 has been discharged under application 2024/93400 it is recommended this condition be re worded to reflect that scheme which has been approved.

11. The development hereby approved shall be faced in composite cladding colour 'Goosewing Grey' above an artificial stone plinth, as shown on drawing no. 2852(100)03A Rev A before the building is first brought into use and thereafter retained. Reason: In the interest of visual amenity in accordance with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.
This condition shall remain as worded.

12. The development shall not be brought into use until all areas indicated to be used for access and parking on the approved Proposed Site Plan ref: "2852 (100)02A Rev.E" have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development. Reason: In the interests of visual amenity and traffic safety, to

mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.
This condition shall be updated to refer to drawing ref 'RevE'.

13. The areas indicated to be bin storage, as demonstrated on the hereby approved Proposed Site Plan ref: "2852 (100)02A Rev.E", shall be provided and made available for use before the development is first brought into use, and thereafter retained. Reason: In the interest of highway safety and waste management and to accord with Policy LP24 of the Kirklees Local Plan.
This condition shall be updated to refer to drawing ref 'RevE'.

7 – Conclusion:

This application for variation of condition 2 (plans) of previous permission 2023/93059 for erection of light industrial units at land off, Staincliffe Road, Dewsbury Moor 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.

As set out above, 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 it is, therefore, recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2024/93268
Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of 24-JUL-2024.
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 to ensure the satisfactory appearance of the development on completion, and to

accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks 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 Validation 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 Validation 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.

4. The development shall not be brought into use until all of the measures specified in the approved Acoustic Planning Report authored by Lighthouse Acoustics dated 24 May 2023 Ref 1086/APR1 have been carried out in full and such measures shall be thereafter retained.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. The use hereby permitted shall not be open to customers outside the hours of:

- 0800hrs to 1800hrs Monday to Friday
- 0800hrs to 1600hrs Saturday and Sunday

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.

7. Before first occupation, charging facilities for electric vehicles and other ultra-low emission vehicles at the premises must be installed. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use 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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

8. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

e) The proposed hours of operation of the lighting
f) The location of all the luminaires
g) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
h) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
i) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

9. Before the development is first brought, the boundary treatment shall be completed in accordance with the Proposed Site and Boundary Plan Ref: '2852_ACU (200)01' submitted as part of application 2024/93400 and discharged by letter dated 24th January 2025.
Reason: In the interests of visual amenity and to preserve the character and openness of the adjacent Green Belt land in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

10. The development shall be completed in accordance with the Arboricultural Method Statement Ref: '231213 MS', Arboricultural Impact Statement Ref:

‘231213 AIA and Tree Survey Ref: ‘231213’ submitted as part of application 2024/93400 and discharged by letter dated 24th January 2025.
Reason: In order to protect the adjacent protected trees in line with LP33 of the Kirklees Local Plan.

11. The development hereby approved shall be faced in composite cladding colour ‘Goosewing Grey’ above an artificial stone plinth, as shown on drawing no. 2852(100)03A Rev A before the building is first brought into use and thereafter retained. Reason: In the interest of visual amenity in accordance with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

12. The development shall not be brought into use until all areas indicated to be used for access and parking on the approved Proposed Site Plan ref: “2852 (100)02A Rev.E” have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency’s ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development. Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

13. The areas indicated to be bin storage, as demonstrated on the hereby approved Proposed Site Plan ref: “2852 (100)02A Rev.E”, shall be provided and made available for use before the development is first brought into use, and thereafter retained. Reason: In the interest of highway safety and waste management and to accord with Policy LP24 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

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: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Note 01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone E3

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 specification schedule:

Plans and documents submitted as part of application 2024/70/93268	**Reference**	**Version**	**Date Received**
Proposed Site Plan	2852(100)02	E	14/01/2025
Proposed Elevations	2852(100)03	B	14/01/2025
Proposed Floor Plans and 3D View	2852(100)04	C	14/01/2025
Proposed Section	2852(100)05	A	14/01/2025
Plans and documents submitted as part of application 2023/93059			

Acoustic Planning Report	1086/APR1		04/01/2024
Highway Statement	2221		04/01/2024
Planning Statement	2852		04/01/2024
Tree Survey	231213		
Location Plan	2852-LOC		24/10/2024
Existing Site Plan	2852(100)01		24/10/2024

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 Planning Authority has, 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. Additional information regarding highways and trees were sought and provided.

Report dated: 15/01/2025