

**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:	2025/62/91692/W
Site Address:	444, Wakefield Road, Dalton, Huddersfield, HD5 8PS
Description:	Re-orientation of roof and associated external alterations
Recommending Officer:	Joshua Merriman

DECISION – Conditional Full Permission

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

Danielle Cooper

AUTHORISED OFFICER

Date: 04/03/2026

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Officer Report – 2025/91692

Location: 444, Wakefield Road, Dalton, Huddersfield, HD5 8PS.

Proposal: Re-orientation of roof and associated external alterations.

Site Description

Works have commenced on site following the grant of planning permission under application reference 2018/92301, which sought permission for the change of use of the building from retail / light industry to seven flats with extensions and alterations to the building and wider curtilage.

The building as on site currently stands as three-stories in height, with the front, original part of the building faced in stone and the rest of the building faced in render. A gable roof is erected above the three-storey element of the building.

The building fronts onto Wakefield Road. To the east is an attached building, with one unit formally a barber shop and the other having a primary residential classification. To the south and west are residential dwellings.

Description of Proposal

The Scheme

The applicant is seeking permission for a re-orientation of roof and associated external alterations.

The application has been submitted for a modified proposal to an extant permission on the site as a result of the works carried out not according with planning permission

Planning application 2018/92301 granted planning permission for two gable roofs to be erected above the building, the front gable would have gable ends east and west and the gable roof towards the rear of the building would have a gable end facing south.

It is noted that this application has removed windows from the East facing elevation that were present in previous application 2023/93624, therefore, potentially addressing a previous reason for refusal detailing overlooking and impacts on privacy under application ref: 2023/93624.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Design and Access Statement
- This application seeks to lower the roof form of the building as currently built so that it has an overall height of 7.8m and introduce a gabled roof form.
- No windows are proposed to the east facing elevation.
- The total number of flats proposed is now 5.

History of Negotiations / Amendments Received

The case officer suggested that the front elevation of the building was amended to something as similar as possible to that approved in previous permission 2018/92301. Following the receipt of amended plans, it was considered that this had been completed and the proposed plans were therefore acceptable.

Relevant Planning History

The most relevant planning history relates to the following planning applications

- 87/01869 – Use of premises for restoration and sale of furniture. Granted Conditionally
- 2018/92301 – Change of use of building from retail / light industry (A1/B1) to seven flats (C3), with demolition, roof extension and alterations including formation of parking area. Granted Conditional Full Permission.
- 2023/93624 - External alterations to building including reorientation and raising of height of the roof, raising height of eaves and associated external alterations – Refused.
 - The reorientation of the roof and increased eaves and ridge height, by reason of its design, scale and massing, would fail to be subservient to the original building and forms an incongruous and discordant addition to the host building, which has a harmful impact upon the character and appearance of the building and the wider street scene.
 - The reorientation of the roof and increased eaves and ridge causes a detrimental level of overshadowing and has an unacceptable overbearing impact to the occupiers of No.448 Wakefield Road. The development has a harmful impact upon the residential amenity of occupiers of this neighbouring dwelling.
 - The siting of the east facing windows leads to a harmful level of overlooking which fails to retain a high standard of amenity for occupiers of No.448 Wakefield Road.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 31/07/2025.

No representations have been received.

Consultation Responses

KC Environmental Health (Formal) – No objections.

Allocation and 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 application site is located within the Wakefield Road / Dalton Green Lane local centre.

The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP7 Efficient and effective use of land and buildings
- LP15 Residential use in town centres
- LP21 Highway and Access
- LP22 Parking
- LP23 Core Walking and Cycling Network
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 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 5 Delivering a Sufficient Supply of Homes
- Chapter 7 Ensuring the vitality of town centres
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making Effective Use of Land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of Development

Sustainable Development

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

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

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.

Residential Use

Local Plan policy LP7 and Chapter 5 of the NPPF establish a general principle in favour of residential uses, with Local Plan Policy LP15 supporting residential uses in local centres, subject to there being no harm to the centre which is considered the case at this site.

The use of 444 Wakefield Road was established via the grant of planning permission under application reference 2018/92301, which sought *Change of use of building from retail / light industry (A1/B1) to seven flats (C3), with demolition, roof extension and alterations including formation of parking area.*

The application seeks a modified proposal to an extant permission on site as a result of the works carried out not according with planning permission 2018/92301.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

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

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

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

This proposal seeks to lower the roof form of the building as currently built so that it has an overall height of 7.8m and introduce a gabled roof form to the front elevation.

No windows are proposed to the east facing elevation.

In terms of design, the proposal seeks permission for a three-storey extension at 444 Wakefield Road, with a gable roof of two differing orientations above, with gable ends to the front of the dwelling facing East and West, and a gable end to the rear of the property facing South. The eaves height of the extension measures 5.58 metres, and the ridge height of the extension measures 7.8 metres.

Officers note the grant of permission for works to the building under application 2018/92301, and consider the amended plans as part of the current application to be similar in character and appearance to those approved.

It is considered that the works to the roof and the implementation of a gable roof appearance to the front of the property, with ends facing East and West, would reinstate a more uniform and traditional appearance within the street scene, and harmonise with the host building to a greater effect than the current gable end facing to the North.

Considering the reduction in scale from the originally submitted plans, and those made the reference of previous refusal 2023/93624, it is considered that the property now does not appear incongruous to the surrounding area and the additions are subservient to the existing building.

As granted permission under 2018/92301, the development continues to see the retention of a cohesive appearance with the surrounding buildings.

It is therefore considered that the proposed development would be considered acceptable with regard to visual amenity and Policies LP1, LP2, and LP24 of the Kirklees Local Plan and Paragraph 135 of the NPPF.

3. Impact on Residential Amenity

Sections 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.

Neighbouring Buildings / Properties:

It is considered that the buildings most likely to be affected by the proposed development are those which directly neighbour the site, these are assessed below:

No. 446 & No. 448 Wakefield Road:

The works to the building under this current application are not considered to result in any detrimental impacts to No. 446 Wakefield Road, over or above the impacts considered to be caused under previous planning application 2018/92301.

The reduction in scale of the building in comparison to previous application 2023/93624 is considered to help the current application to overcome previous reasons for refusal including unacceptable impacts upon 448 Wakefield Road with regard to overshadowing and overbearing. The reduction in the roof height is considered to reduce the impacts upon overshadowing and overbearing to an acceptable degree that does not significant impact upon the residential amenity of the dwelling.

As the windows previously proposed in the Eastern facing elevation have been removed as part of the current application, it is considered that previous concerns regarding the height of the windows failing to be compliant with conditions imposed under planning application 2018/92301 and overlooking impacts towards No. 448 Wakefield Road have been overcome.

No's 430-438 Wakefield Road:

These properties are located to the West of 444 Wakefield Road.

The rear elevations of these buildings would remain to be set circa 13.5 metres from the nearest side elevation of 444 Wakefield Road, as set out under previous planning application 2018/92301. Therefore, whilst this application seeks to increase the ridge height, given this extent of separation, it is not considered that the works would result in undue levels of overbearing and / or overshadowing to the properties of No. 430 to No. 438 Wakefield Road.

In addition, whilst officers acknowledge the amenity spaces for these properties to be located adjacent to 444 Wakefield Road, officers consider the impacts of overshadowing to the gardens of these properties would be limited to before 12 noon during the summer. As such, on balance, it is not considered that the development would result in undue impacts to the outdoor amenity spaces of No. 430 to No. 438 Wakefield Road.

To the western facing side elevation, eight windows are proposed. On the previous grant of permission under application 2018/92301, a condition was imposed to ensure that all windows on the side elevation be high level (defined as having a sill height greater than 1.7m) and be obscure glazed.

The ground floor windows installed on the western facing side elevation have a sill height of approximately 1.6 metres above ground level and therefore, whilst not compliant with the condition imposed under application 2018/92301, they are only 0.1 metres below the requirement of the condition. Therefore, on balance, it is not considered that the siting of these windows would result in undue levels of overlooking.

In addition to this, the Western facing windows are now proposed to be obscure glazed as stated within the submitted design and access statement, eliminating any possible overlooking impacts or adverse impacts on the privacy of the above neighbours. A condition is recommended to ensure the western facing windows are obscured glazed.

Future Occupiers of the Flats:

The principle of a residential use to 444 Wakefield Road was established under previous planning application 2018/92301.

This proposal shows 5 residential flats across 3 floor levels which are all served by an appropriate provision of windows and are to be compliant with the Nationally Described Space Standards.

All flats would remain to be served by an appropriate provision of windows and appear to be compliant with the Nationally Described Space Standards. As such, the same conclusion as made under application 2018/92301 remains, that any future occupiers would be deemed to have an acceptable standard of amenity.

A noise impact assessment has been submitted as part of the application due to the flats close proximity to a busy highway. The noise impact assessment has been considered acceptable by KC Environmental Health and there are no objections to the proposal in this regard as a result.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity, with the potential to detriment the living conditions associated with No. 448 Wakefield Road. The scheme therefore

fails to be compliant with policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Access will be provided off of Wakefield Road which is served by a dropped kerb, and a driveway is proposed to the side of the building leading to on-site parking. 5 on site parking spaces and 1 visitor parking space is proposed to the rear of the site which is considered acceptable. A condition is recommended to ensure the site frontage will be clear of any obstructions exceeding 1m in height to ensure visibility is achieved for the site indefinitely.

Suitable bin and cycle parking is proposed to the rear of the building which is considered acceptable. A condition will be imposed to ensure the bin and cycle storage is appropriately screened to protect visual amenity and for security protection.

Paragraph 112 (e) of the NPPF states that developments should take into account the need to ensure adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Considering this, a condition has been added to the end of this report ensuring that at least one EV charging point is installed in the proposed parking area before the development is brought into use.

As the redline boundary does not intrude on the shared footpath serving the adjacent terraces to the west, there are no concerns with the proposed scheme. Any concerns with the footpath being obstructed should be raised directly with the developer.

Therefore, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When

determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). As the development is retrospective, there is no required for BNG to be provided in respect of the aforementioned legislation as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified swift nesting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a nest for swifts. Therefore, it is considered unlikely that the proposals would have a significant impact on the swift population. An informative would be included making the applicant aware that if swifts are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

Unexpected contamination

The site has previously been a B1 use which has the potential to have caused contamination. Conversely this was associated with an retail use and the site is closely surrounded by residential properties. Therefore, contamination is not considered likely. Nonetheless a condition is to be imposed outlining the required process should contamination be found during the course of development. This is to comply with PLP53 and Chapter 15 of the NPPF.

7. Representations

No representations have been received.

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

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/91692

Officer Recommendation: Conditional Full Permission

Conditions and Reason(s)

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The render finish to the proposed extension shall be a colour that harmonises with the host building's stone wall, adjacent the hereby approved extension, and shall be applied before it is first brought into use. Thereafter the render shall be retained a colour which harmonises with the host building.

Reason: To ensure an appropriate end appearance, in the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 the National Planning Policy Framework.

5. Before the hereby approved dwellings are first brought into use one electric vehicle charging point shall be installed in the car park as shown on the hereby approved plan Dwg. No. '2509-03A Parking Bicycle Store Bin Store'. The cable and circuitry ratings for the charging points 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 points shall be retained thereafter.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP21, LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

6. Notwithstanding the submitted plans, prior to the hereby approved residential units being brought into use, the bin store, as shown on plan ref. '2509-03A Parking Bicycle Store Bin Store', shall be provided and screened by either stone walling or timber fencing measuring between 1.2m and 1.5m in height. The bin store and its screening shall thereafter be retained.

Reason: In the interest of appropriate waste management facilities and visual amenity, to comply with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. Notwithstanding the submitted plans, the hereby approved development shall not be brought into use until sight lines of 2.4m x 43m at the site frontage have been cleared of all obstructions to visibility exceeding 1m in height. Thereafter no obstructions which exceed 1.0m in height above the adjacent highway shall be planted or erected within the sight lines along the site frontage.

Reason: To ensure suitable sightlines are provided and maintained for future users, in the interests of the safe and efficient use of the highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

8. The development shall not be brought into use until all areas indicated to be used for parking on the listed plans have been marked 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 specified on the listed plans.

Reason: In the interests of amenity and traffic safety, so as to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan.

9. The development shall not be occupied until the west side windows of the hereby approved scheme has been obscurely glazed (to a minimum Grade 4). 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) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

10. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

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

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

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If swifts are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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

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

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

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

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

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

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Layout and Elevations	2509 02C	-	30/01/2026
Parking, Bicycle Store	2509-03A	-	30/01/2026

Plan Type	Reference	Version	Date Received
and Bin Store			
Application Forms	-	-	02/07/2025
Design and Access Statement	-	-	02/07/2025
Noise Impact Assessment	-	-	30/01/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought by the case officer to return the development to something visually similar to previous approval 2018/92301, as the originally proposed roof re-orientation and extension to the building was considered incongruous, out of character, and visually imposing on the street scene and surrounding dwellings.

Report Dated:

04/03/2026