

**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:	2025/62/92230/W
Site Address:	KFC, 9, New Street, Huddersfield, HD1 2AX
Description:	Change of use from takeaway/restaurant (Sui Generis) to adult gaming centre (Sui Generis) (Listed Building within a Conservation Area)
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15 October 2025

Officer Report

Reference No. 2025/62/92230/E

Site Address: KFC, 9, New Street, Huddersfield, HD1 2AX

Proposal: Change of use from takeaway/restaurant (Sui Generis) to adult gaming centre (Sui Generis) (Listed Building within a Conservation Area).

Site Description

The application relates to 9 New Street, a three-storey commercial building situated in Huddersfield. The property was constructed late 19th Century and is Grade II listed. The wider area comprises a combination of residential and commercial properties of similar materials and architectural styles. There are no Public Rights of Way within immediate proximity. However, the site is located within the Huddersfield Town Centre Conservation Area and adjacent to a number of Grade II listed buildings.

Description of Proposal

The application seeks planning permission to change the use from a takeaway/restaurant (Sui Generis) to an adult gaming centre (Sui Generis). The details of the proposal are summarised below:

- The proposal would include no internal or external alterations to the original building.
- The gaming centre would open 00:00am to 23:59pm Monday-Sunday.
- There would be 12 full time employees.

Relevant Planning History

- **2014/92937:** Listed Building Consent for removal of double entrance doors and fitting new single door, installation of new fascia signs, projecting sign and entrance box sign and internal alterations (within a Conservation Area). [Planning application details | Kirklees Council](#) – Consent Granted
- **2014/92932:** Advertisement Consent for installation of illuminated fascia signs, projecting signs and entrance box sign (Listed Building within a Conservation Area). [Planning application details | Kirklees Council](#) – Advertisement Consent Granted
- **2014/92930:** Removal of existing double entrance doors and replace with single door with side panel (Listed Building within a Conservation Area). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2002/92741:** Listed building consent for alterations to convert existing retail premises to use class a3 (food & drink) alterations to frontage, installation of rear ducting unit with six condenser units and erection of illuminated sign (within a conservation area). [Planning application details | Kirklees Council](#) – Consent Granted

- **2002/92740:** Erection of illuminated fascia and projecting signs (listed building within a conservation area). [Planning application details | Kirklees Council](#) – Advertisement Consent Granted
- **2002/92739:** Change of use from class a1 (retail) to class a3 (food & drink) and alterations to frontage and installation of rear ducting unit with six condenser units (listed building within a conservation area). [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **96/93802:** Listed building consent for erection of illuminated sign (within a conservation area). [Planning application details | Kirklees Council](#) – Consent Refused
- **96/93669:** Erection of illuminated sign (listed building within conservation area). [Planning application details | Kirklees Council](#) – Advertisement Consent Refused
- **95/93609:** Listed building consent for erection of illuminated canopy sign. [Planning application details | Kirklees Council](#) – Consent Refused
- **95/93493:** Erection of illuminated canopy sign (listed building). [Planning application details | Kirklees Council](#) – Advertisement Consent Refused
- **95/90577:** Listed building consent for decoration of shop fascia and replacement of illuminated lighting. [Planning application details | Kirklees Council](#) – Consent Granted
- **95/90462:** Erection of illuminated sign (listed building). [Planning application details | Kirklees Council](#) – Advertisement Consent Granted

Representations

The application was publicised by site notice, which expired on 2nd October 2025. As a result of the above publicity, one representation has been received. The comments made have been summarised below:

- We have reviewed the saved policies of the Kirklees Local Plan 2019 and believe the proposal to be contrary to the adopted policy.
- The subject unit lies within the designated primary shopping area and primary shopping frontage for the town.
- The application site is located immediately adjacent to, and opposite, two trading betting offices. A further adult gaming centre is located just to the north, as is another betting office.
- The remaining surrounding uses are non-retail in nature, comprising financial services and restaurants. It is therefore clear that allowing a fifth sui generis gambling use would further undermine the retail function of the primary shopping frontage in this part of the town centre, as well as leading to an overconcentration of similar non-retail sui generis uses.
- The use will not introduce a new service or facility for shoppers but will merely replicate the existing offer.

- Whilst the applicant states that the unit is vacant, no information has been provided as to the length of vacancy or whether any marketing was undertaken to secure a compliant occupier
- The proposed use, which offers very little in the way of activity or changing frontages, will dominate this part of the primary frontage again causing harm to the overall requirement that retail uses should dominate in these frontages.
- The applicant is seeking consent to operate 24/7 hours 365 days/year. There is no history of such extensive opening hours in this part of the town centre with surrounding uses generally closing between 6pm and 10pm each day.
- It is inevitable that allowing 24/7 use will have a detrimental impact on those living above and close to this unit. It will be impossible to prevent break out noise and disturbance associated with customers entering and leaving the premises particularly in the early hours of the morning, when most will be trying to sleep.
- The applicant has failed to provide any details of the proposed shopfront, and we would request that in light of the requirements of criteria) c and d) of policy LP14, these are provided for consideration prior to the application being determined.
- This type of use is associated with full height window vinyls, obscuring views of activity within the unit and would certainly not enhance or improve the frontage as required under the policy.
- The impact of the closed nature of the shopfront for a gaming centre use was considered under an appeal relating to a similar proposal for a new adult gaming centre in a primary frontage in Derby City Centre where the Inspector agreed with the above points in decision ref APP/C1055/W/17/317476.
- In dismissing the appeal, the Inspector made the following points:
 - As required by industry regulations, the shopfront would be enclosed by displays to avoid unobstructed views into the unit by under 18's. The inspector was unconvinced that the display would attract customers, and the use would therefore fail "to add vibrancy, animation and activity to the area"; and
 - A condition requiring the gaming centre operator to agree the content of any window displays with the council would be unreasonable.
 - The Inspector concluded in para 11 that "the cumulative impact of the socially exclusive nature of the proposed use, together with its "behind closed doors" appearance would have a negative effect on the vitality and character of the area".
- Given the application site's prominent location on a key primary frontage, we suggest the findings of the appeal clearly demonstrate that the extension of the existing use as proposed would fail to add to the vitality

and viability of the city centre or to enhance the existing frontage which currently allows views of all activity within.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology - No objection

KC Highways Development Management – No objection

KC Crime Prevention – No objection subject to recommended condition

KC Environmental Health - No objection subject to recommended condition

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the property is Grade II Listed and is located within the Huddersfield Town Centre Conservation Area and adjacent to a number of Grade II listed buildings. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- LP 1 - Achieving Sustainable Development
- LP 2 - Place shaping
- LP 7 - Efficient and Effective Use of Land and Buildings
- LP 13 - Town Centre Uses
- LP 14 - Shopping Frontages
- LP 17 – Huddersfield Town Centre
- LP 21 - Highways and Access
- LP 22 - Parking
- LP 24 - Design
- LP 30 - Biodiversity and Geodiversity
- LP 35 - Historic Environment
- LP 52 - Protection and Improvement of Environmental Quality
- LP 53 - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 7** - Ensuring the vitality of Town Centres
- **Chapter 8** - Promoting Healthy and Safe Communities
- **Chapter 9** - Promoting Sustainable Transport
- **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
- **Chapter 16** - Protecting and Enhancing the Historic Environment

Assessment

1. Principle of development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

This application is for the change of use from a takeaway/restaurant (Sui Generis) to an adult gaming centre (Sui Generis) at KFC, 9, New Street, Huddersfield, HD1 2AX. The site is within the Huddersfield Primary Shopping Area boundary on the Kirklees Local Plan (KLP) whereby Policy LP13 is relevant to proposals within the designated town centre.

Policy LP13 of the Kirklees Local Plan is consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres, and local centres), as shown on the Policies and Town Centre Maps, and as detailed in the shopping centre hierarchy and then in accordance with the sequential test.

Policy LP13 of the Kirklees Local Plan defines Huddersfield Town Centre as a Principal Town Centre, setting out that the role and function of such areas are as follows:

- Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees.
- The main focus in Kirklees for the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services.

As such, against the purposes of Policy LP13 of the Kirklees Local Plan, the proposal is considered to be acceptable, delivering a leisure facility in the form of an adult gaming centre.

Policy LP14 of the Kirklees Local Plan refers to shopping frontages and is also relevant. This Policy sets out the following: *'Primary Shopping Area - the retail core individually defined for each town centre. For District Centres this will be the full extent of the defined centre boundary, where retail uses and other main town centre uses are focused. Uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses. Retail uses within the above areas will be supported.'*

Policy LP17 of the Kirklees Local Plan relates to Huddersfield Town Centre and outlines the following: *'Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses.'*

Policy LP17 of the Kirklees Local Plan states that proposals for new development within the town centre will be supported where they: *'h. retain and regenerate key historic features of the town centre such as pedestrian arcades, yards and historic listed buildings, both within and outside of the Huddersfield Town Centre Conservation Area.'*

9 New Street is a Grade II Listed Building within the Huddersfield Town Centre Conservation Area. The property was formally occupied by KFC but is currently vacant. Therefore, the proposal would see the regeneration and retention of a key historic feature in Huddersfield Town Centre, in accordance with Policy LP17(h) of the Kirklees Local Plan.

Whilst it is noted that the proposal would not strictly accord with the requirements of Policy LP14, as it is not for a retail use within a primary shopping area, it would accord with the purposes of Principle Town Centres as set out within Policy LP13 of and LP17(h) of the Kirklees Local Plan. It is also noted from google map imagery that 9 New Street has operated as a

takeaway/restaurant since at least 2008. Therefore, given that the building has not had a retail function for a significant amount of time, the use of the building as an adult gaming centre is not considered to result in a loss of any retail space.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity and Historic Environment

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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.”

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The submitted plans confirm that no external alterations are proposed as part of the application. In any case, any internal or external changes would require a separate application for listed building consent and/or planning permission. On this basis, it is considered that the proposed change of use would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken into account the above, it is considered that the proposal would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF. Furthermore, the proposal would not cause any detrimental harm to the significance of the Huddersfield Town Centre Conservation Area and the adjacent Listed Buildings and would comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupants.

The proposed development would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the proposed works are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, 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.

This application is for the change of use from a takeaway/restaurant to an adult gaming centre at a listed building fronting on to New Street. New Street is a 30mph one-way single carriageway town centre access road of approximately 6.5m width with parking bays on both sides, footways on both sides and street lighting present.

There are TRO parking restrictions on New Street with Loading Only and Taxi rank bays on the side of the development site, parking bays opposite, No Waiting at Any Time with No Loading to the north of the site around the junction with Cloth Hall Street and disabled parking bays to the north of the site. To the south and east of the site is the Huddersfield Town Centre Pedestrianised zone. The site is within a sustainable town centre location and is approximately 150m to stops on a high frequency bus route, 350m to the bus station and 380m to the railway station. There are public car parks within a short distance.

The proposals are for a change of use from takeaway/restaurant (KFC) to an adult gaming centre. KC Highways would expect the proposed use to generate fewer trips than would be expected with the extant use, especially noticeable will be the loss of food delivery pick-up trips. As the site is within a sustainable town centre location, officers would not expect any off-street parking to be provided. There is parking available close to the site and public car parks and public transport links are within a short walk of the site. Waste storage and collection is expected to remain as with the extant use and be done by a commercial waste collection company. For these reasons, KC Highways Development Management consider the application to be acceptable on highways grounds.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Noise

The applicant has submitted a Noise Assessment authored by Hepworth Acoustics (dated 16th June 2025, reference no. P25-222-R01). Paragraph 1.2 states the site is surrounded by commercial uses and that there appears to be no neighbouring residential uses. Although the layout is not available, the report focusses on the potential impact of trading noise break-out via the shopfront and the noise associated with customers arriving/departing the premises at night. For the purposes of the assessment, as a worst-case scenario, the report assumes that the upper floors of the premises immediately opposite could be apartments although the Council's mapping system does not show this to be the case and this is welcomed.

A background noise survey was conducted between 1200hrs on Wednesday the 11th of June and 1200hrs on Thursday the 12th of June 2025 from a single monitoring position as shown in Figure 1 and a summary of the findings is given in Table 2. Comment is made that the noise climate was found to be mainly due to road traffic on New Street and surrounding roads and voices of pedestrians.

Allowing for the installation of new shop frontage (although this would require separate applications for planning permission and listed building consent) and using library data for a similar use, the report determines a low impact for operational use. The customer noise has been calculated and similarly, a low impact is determined. There is a proposal for the installation of two condensing units to be installed at the rear of the premises. Whilst this is not being considered under this application, based upon manufacturing data and the proposed location to the rear, the report determines a low impact and this

is accepted. The submitted information is accepted and KC Environmental Health have no objection to the application.

Crime Prevention

KC Crime Prevention were formally consulted as part of the application and have no objection in principle to the scheme subject to the inclusion of a planning condition for security measures should the application be approved.

There are no other matters relevant to the determination of this application.

5. Representations

One representation has been received following the statutory publicity. The comments made have been summarised and addressed below:

- We have reviewed the saved policies of the Kirklees Local Plan 2019 and believe the proposal to be contrary to the adopted policy.
- The subject unit lies within the designated primary shopping area and primary shopping frontage for the town.
- The application site is located immediately adjacent to, and opposite, two trading betting offices. A further adult gaming centre is located just to the north, as is another betting office.
- The remaining surrounding uses are non-retail in nature, comprising financial services and restaurants. It is therefore clear that allowing a fifth sui generis gambling use would further undermine the retail function of the primary shopping frontage in this part of the town centre, as well as leading to an overconcentration of similar non-retail sui generis uses.
- The use will not introduce a new service or facility for shoppers but will merely replicate the existing offer.
- Whilst the applicant states that the unit is vacant, no information has been provided as to the length of vacancy or whether any marketing was undertaken to secure a compliant occupier.
- The proposed use, which offers very little in the way of activity or changing frontages, will dominate this part of the primary frontage again causing harm to the overall requirement that retail uses should dominate in these frontages.
- The applicant is seeking consent to operate 24/7 hours 365 days/year. There is no history of such extensive opening hours in this part of the town centre with surrounding uses generally closing between 6pm and 10pm each day.
- It is inevitable that allowing 24/7 use will have a detrimental impact on those living above and close to this unit. It will be impossible to prevent break out noise and disturbance associated with customers entering and leaving the premises particularly in the early hours of the morning, when most will be trying to sleep.

- The applicant has failed to provide any details of the proposed shopfront, and we would request that in light of the requirements of criteria) c and d) of policy LP14, these are provided for consideration prior to the application being determined.
- This type of use is associated with full height window vinyls, obscuring views of activity within the unit and would certainly not enhance or improve the frontage as required under the policy.
- The impact of the closed nature of the shopfront for a gaming centre use was considered under an appeal relating to a similar proposal for a new adult gaming centre in a primary frontage in Derby City Centre where the Inspector agreed with the above points in decision ref APP/C1055/W/17/317476.
- In dismissing the appeal, the Inspector made the following points:
 - As required by industry regulations, the shopfront would be enclosed by displays to avoid unobstructed views into the unit by under 18's. The inspector was unconvinced that the display would attract customers, and the use would therefore fail "to add vibrancy, animation and activity to the area"; and
 - A condition requiring the gaming centre operator to agree the content of any window displays with the council would be unreasonable.
 - The Inspector concluded in para 11 that "the cumulative impact of the socially exclusive nature of the proposed use, together with its "behind closed doors" appearance would have a negative effect on the vitality and character of the area".
- Given the application site's prominent location on a key primary frontage, we suggest the findings of the appeal clearly demonstrate that the extension of the existing use as proposed would fail to add to the vitality and viability of the city centre or to enhance the existing frontage which currently allows views of all activity within.

Officer Response: *The planning application has been assessed against Policies LP13 (town centre uses), LP14 (shopping frontages) and LP17 (Huddersfield Town Centre) of the Kirklees Local Plan within the 'Principle of development' section of the report. It was concluded that, on balance, the principle of development would be acceptable.*

6. History of negotiations/amendments received

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the change the use from a takeaway/restaurant (Sui Generis) to an adult gaming centre (Sui Generis) at KFC, 9 New Street 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/92230

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP13, LP14, LP17, LP21, LP22, LP24, LP30, LP35, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. 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.

4. The development hereby approved shall be fitted with the security measures outlined within the submitted Security and Social Responsibility statement and retained thereafter:

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure, and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in

place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

NOTE: 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Ordnance Survey Location Plan	3599(B)03	-	06/08/2025
Floor Plans As Existing	3599(B)01	-	06/08/2025
Existing Site Plan	3599(B)04	-	06/08/2025
Planning Policy Design and Heritage Statement	hk/O/LL/Hudds/APC/06.08.25	-	06/08/2025
Security and Social Responsibility Statement	-	-	06/08/2025
Survey of Customer Numbers	-	-	06/08/2025
Survey of Admiral Customers, April 2023	-	-	06/08/2025
Noise Assessment	P25-222-R01	1	06/08/2025

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 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 08/10/2025

