

**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:	2026/70/90501/W
Site Address:	Site of Former Perseverance House, St Andrew's Road, Huddersfield, HD1 6RZ
Description:	Variation of condition 2 (plans) on previous permission 2024/91336 for erection of two storey office/workshop with detached store and associated works
Recommending Officer:	William Simcock

DECISION – Section 73 Variation of Condition – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 29-May-2026

Application: 2026/90501

Site: Site of former Perseverance House, St Andrew's Road, HD1 6RZ

Proposal: Variation of condition 2 (plans) on previous permission 2024/91336 for erection of two storey office/workshop with detached store and associated works

Site Description

The site comprised a rectangular plot, sited southeast of the intersection of St Andrew's Road and Turnbridge Road, that previously hosted an office building with ancillary parking. Following that building's demolition (between 2020 and 2023) it consisted of vacant land. The site is within an industrial and commercial area characterised mainly by modern buildings of two to three storeys in height. The site is near-level, without steep gradients, and is surrounded by a metal palisade fence.

Works on site have recently commenced to implement the development of 2024/91336, comprising the erection of two storey office/workshop with detached store and associated works.

Description of Proposal

The proposal is for variation of condition 2 (plans) on previous permission 2024/91336 for erection of two storey office/workshop with detached store and associated works.

The existing condition reads:

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 LP20, LP21, LP22, LP24, LP27 and LP28 of the Kirklees Local Plan.*

The proposal is not to change the wording of the condition. There are however several proposed changes to the design of the building, which are considered to fall within the scope of condition 2. These are summarised within the applicant's supporting statement as follows:

Building Height

- The proposed eaves height has been increased from 6.30m to 6.525m, and the ridge height from 8.72m to 8.86m. This increase results from the steel frame specification being deeper than originally anticipated, leading to increased intermediate floor depths.

Roof Overhang

- The previously approved 900mm roof overhang has been omitted.

Roof Pitch Adjustments

- The approved hip roof pitch of 15 degrees on all planes has been revised. Due to the updated steel frame design, roof pitches now vary between 12 degrees and 20 degrees.

Roller Shutter Door Dimensions

- The widths of the roller shutter doors have been amended (reduced in width) to better accommodate the operational vehicle sizes

Entrance Canopy

- A new glazed canopy has been introduced above the main entrance.

Additional Door Openings

- Additional external door openings are proposed on the north (two) and east (three) elevations. These are required to ensure compliance with current fire safety and means of escape regulations.

Internal Layout Adjustment

- A minor internal layout change is proposed whereby the ground floor office and office kitchen locations have been swapped for improved functionality.

Floor Level Changes

- A 300mm level difference between the office floor and workshop floor is proposed to respond to on-site ground levels and improve construction practicality.

No changes to other aspects of the proposal, such as the site layout or means of access, are proposed.

History of negotiations/amendments received

None were considered necessary.

Relevant Planning History

Application site

2024/91336: Erection of two storey office/workshop with detached store and associated works. Permission granted. Implementation commenced.

2025/90387: Discharge of details reserved by conditions 3 (Phase I Desk Study Report), 4 (Phase II Intrusive Site Investigation Report), 10 (materials), 12 (drainage strategy), 13 (temp surface water strategy), 15 (interceptor details) on previous permission 2024/91336. Approval granted in respect of all conditions.

Adjacent site

There have been no recent planning applications on neighbouring land that are considered to be relevant to this proposal.

Representations

Publicity was undertaken by neighbour site notice and press advertisement in accordance with statutory procedures and the Kirklees Development Management Charter as the proposal constitutes Major Development.

Final publicity date expires: 03-Apr-2026.

No public representations were received because of the publicity.

The site lies within Dalton Ward where, at the time of submission, the members were:

- Cllr Tyler Hawkins
- Cllr Musarrat Khan
- Cllr Munir Ahmed

The three Ward Councillors were notified of the application by email 27/02/26. No comments were received as a result.

Following the May 2026 local elections, the ward members are now:

- Cllr Luke Fallas
- Cllr John Hardie
- Cllr Christine Smith

It was not considered expedient to notify the new ward members of this application, in view of the scale and nature of the changes to the original application that are proposed and given the lack of any public representations or member comments received because of the initial round of publicity and consultation.

Consultation Responses

No consultations were deemed necessary, since the changes relate solely to the design of the building, outside of the historic environment, that are not

considered to raise any implications for highway safety, environmental, or biodiversity issues.

Policy

Kirklees Local Plan (LP)

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 designated a Priority Employment Area within the Kirklees Local Plan. The site lies within a coal referral area, land registered as potentially contaminated owing to former uses, and Flood Zone 3a (Strategic Flood Risk Assessment).

The following Local Plan policies are considered relevant to the proposal:

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design

Supplementary Planning Documents

- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) the Planning Practice Guidance Suite (PPGS) 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 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

- 1) Principle of development
- 1) Urban design and visual amenity
- 2) Planning obligations
- 3) Review of conditions
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the “Determination of applications to develop land without compliance with conditions previously attached”. In addition to removing conditions, S73 enables the varying of a condition’s wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight.

The proposed changes would not affect the previously established principle of development. The proposed changes to design are considered to be material. They will be assessed according to relevant national and local policies on design, and other material considerations.

The following text from Paragraph 140 of the NPPF is relevant and will inform the decision:

“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”

2 – Urban design and visual amenity

It is considered that the increase in the eaves and ridge height of the building would not result in a structure that would seem disproportionately large within the site or in the context of its surroundings, since most surrounding buildings are taller, being two to three storeys in height. The changes to roof pitch and the deletion of the roof overhang are also not considered to be minor modifications that would not negatively affect the quality of the development.

The additional personnel doors and the small adjustments to the dimensions of the roller shutter doors are considered to have no significant impact upon the character or appearance of the proposed building.

The glazed entrance canopy, based on scaled measurements, extends 900m from the face of the building, not 1.2m as set out in the supporting statement. Its maximum height from ground is 3.5m. It is considered that this feature would appear very small and low-key in the context of the building and the site, therefore not materially impacting upon the visual quality of the building.

The adjustments to internal layout and floor level are considered to be non-material since they would not directly affect the external appearance of the building.

The agent has confirmed that no changes are proposed to the scheme of materials which are to remain as approved under discharge of condition application 2025/90387.

In conclusion, it is considered that the development as modified would not result in an inferior quality of development compared to the scheme as originally approved and would fulfil the aims of Policy LP24(a) and the relevant parts of Chapter 12 of the NPPF.

3 – Other matters

As was acknowledged in the assessment of the original application, the proposed development would not be situated close to existing residential development and it is considered that any noise generated during its use, including from vehicle maintenance and repair, would not give rise to amenity issues. Maximum noise emissions are covered by a condition 8, a prescriptive condition. This would be unaffected by the proposed changes, since they do not result in any material increase in the scale of the development. Overall, the proposed variations would have no implications for residential amenity.

The proposal does not involve the creation of additional floorspace and the means of access to the site would be unchanged. It is therefore considered that it has no implications for highway safety.

It is also considered that since it would not result in any increase in the built footprint of the development or make any changes to the internal layout of the site, it would have no implications for flood risk, drainage, land stability or contamination.

The development does not impact a priority habitat and impacts less than 25 square metres of onsite habitat and less than 5 metres of linear habitats such as hedgerows. Furthermore, the current application is a Section 73 Variation of Condition. The requirement under the Environment Act 2021 to ensure that a 10% net gain in biodiversity is delivered therefore does not apply in this instance. An enhancement to the biodiversity of the site will be achieved through the use of appropriate native species in the landscaping of the site as

set out in condition 11, which is recommended to be reimposed (see below for further commentary on conditions). It is considered that the proposed changes do not raise any new issues that would affect the future ecological enhancement of the site.

4 – Planning obligations

No Section 106 or other legal agreement was entered into as part of the original permission, and none remains required as part of this Section 73 application.

5 – Review of conditions

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously applied conditions attached to permission 2021/94664 and to update, revise, add to or delete redundant conditions as part of the assessment of the current application.

Those conditions would normally be re-applied in any subsequent approval of a Section 73 application, as the effect of the Section 73 approval is the issue of a fresh grant of permission.

It is recommended that in this case, for the sake of simplicity and to expedite the application, the original conditions should be re-imposed without modification, except in instances where the condition is no longer relevant and/or has been subject to an approved Discharge of Condition application. This approach has been accepted by the applicant's agent in an email dated 26/05/26.

The condition list is:

1. Development to be begun within three years

To be removed, as development has commenced.

1. Development to be in accordance with plans and specifications

Reimpose. While this condition has been sought to be varied, the wording of the condition would be unaffected: the plans table would be amended to reflect the submitted plans.

2. Phase 1 contaminated land report submitted

To be removed, as a Phase 1 report was submitted and approved under discharge of condition application 2025/90387. Therefore, the condition is no longer necessary.

3. Phase 2 site investigation report submitted

To be amended. A Phase 2 report was submitted and approved under discharge of condition application 2025/90387. However, compliance with the criteria, regarding fill material, set out within the Phase 2 report is required. Therefore, it is recommended that the condition be varied to a prescriptive condition.

4. Remediation strategy submitted

To be removed, as KC Environmental Health Officers, in commenting on discharge of condition application 2025/90387, advised that the submission of a formal Remediation Strategy would not be necessary (subject to compliance with the criteria regarding fill material, as considered above). Therefore, the condition no longer serves a purpose.

5. Remediation strategy implemented

To be removed as, per the above, a formal remediation strategy is not required.

6. Validation report but that an application should still be made to discharge condition 7.

Reimpose but update as, notwithstanding the above, in their comments on 2025/90387 KC Environmental Health Officers advised that a validation report is still required to evidence that the fill materials, pursuant to the requirements of condition 3, was adhered to.

7. Combined noise levels

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

8. Electric vehicle facilities

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

9. Facing and roofing materials

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

10. Detailed landscaping scheme

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

11. Detailed drainage scheme

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

12. Temporary surface water

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

13. Flood evacuation plan

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

14. Oil / petrol interceptor

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

15. Parking spaces to be surfaced and drained

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

16. Solar array

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

17. Crime prevention measures

Reimpose, as the condition continues to fulfil a reasonable and necessary purpose, as detailed within the original report.

The applicant has reviewed and agreed the amended wording to conditions 3 and 6 within the email dated 29/05/2026.

6 – Representations

No representations were received.

7 – Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that plans and other details submitted for this application would deliver a development that would enhance the environment through delivering a

scheme with high quality design and that would guarantee the safe use of the highway for future residents. It is considered that the quality of approved development would not be diminished as a result of the changes for which approval is sought.

It would constitute sustainable development and is therefore recommended for approval.

Recommendation: GRANT VARIATION OF CONDITION

Report Dated: 27/05/2026

Decision Authorisation: Delegated Powers

Application Number: 2026/90501

Officer Recommendation: Grant variation of condition

Conditions and Reasons

Note: The applicant is advised that the below conditions were imposed by planning permission 2024/91336. Except for conditions 3 and 6, which are updated to reflect the outcome of Discharge of Condition application 2025/90387, the other conditions are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the above conditions, in accordance with 2024/91336 corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not be necessary.

1. Removed, as development has commenced.

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 LP20, LP21, LP22, LP24, LP27 and LP28 of the Kirklees Local Plan.

3. Any fill materials, whether site won or imported, used within areas of public open space, landscaped areas, or similar, must comply with the criteria set out in the Phase 2 Geo-Environmental Report ref. C4483/24/E/6941, unless otherwise agreed in writing with the Local Planning Authority via the Discharge of Condition process.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

4. Removed, following the approval of Discharge of Condition application 2025/90387.

5. Removed, following the approval of Discharge of Condition application 2025/90387.

6. Prior to the hereby approved development being brought into use, a Verification Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include evidence of the reuse or removal of materials on site pursuant to the requirements of condition 3.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

7. 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.

8. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces.

The approved dedicated facilities for charging electric vehicles shall be installed, maintained and retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, so as to support the aims of reduction of carbon emissions and air quality enhancement, to comply with the aims and objectives of Policies LP20 and LP24(d) of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

9. Before work on the superstructure of the building commences, details shall be submitted to and approved in writing by the Local Planning Authority of all facing and roofing materials, and the development shall be undertaken using the approved materials.

Reason: To ensure that the building conserves and enhances the quality of the townscape and visual amenity, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

10. Before any part of the development is first brought into use, a detailed scheme for the landscaping of the site shall be submitted to the Local

Planning Authority. This shall include a schedule, specification and planting plans, which shall provide details of the layout, number, density and size of trees and plants and/or seed mixes and sowing rates. This shall include extensive use of native species and shall demonstrate that the biodiversity of the site will be enhanced. The landscaping scheme shall be implemented within the first sowing or planting season following the substantial completion of the development and shall thereafter be retained as such.

Reason: In the interests of visual amenity, to ensure that the biodiversity of the site is enhanced, and to accord with the aims of Policies LP24(a) and LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details/design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP27 of the Kirklees Local Plan and paragraphs 173 and 175 of the National Planning Policy Framework. This information is required pre-commencement to ensure that appropriate drainage infrastructure is incorporated into the development during the construction phase.

12. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and
- how flooding of adjacent land is prevented.

The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until

the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure that the site is drained in a safe and sustainable manner throughout the construction process and to accord with the aims of Policy LP28 of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable measures are place for the safe drainage of the site at all stages during the construction process.

13. Before the development is first brought into use, details of a flood evacuation plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented from the first day that any part of the development is brought into use and thereafter retained as such.

Reason: To ensure that the residual risk to future users of the site can be safely managed and to accord with the aims of paragraph 173(d) of the National Planning Policy Framework.

14. Development shall not commence until a scheme demonstrating that surface water from vehicle parking and hard standing areas will pass through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage should not be passed through any interceptor.

Reason: To prevent pollution of the water environment and to accord with the aims of Policy LP28(c) of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable measures to prevent pollutants entering the water environment are incorporated into the development during the construction phase.

15. Before any part of the development is first brought into use, all areas indicated to be used for the parking and turning of vehicles on the site plan as proposed shall have been formed and laid out with a hardened and drained surface. These areas shall be so retained, free of obstructions and available for the parking and turning of vehicles.

Reason: To ensure adequate space within the site for parking in the interests of amenity and traffic safety, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

16. Before the main building within the development is first brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of a solar array to be installed on the new build. The solar array thus approved shall be installed and made operational before any part of the new development is first brought into use and thereafter retained as such.

Reason: To ensure that the development maximises opportunities to mitigate the causes of climate change, thereby supporting the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

17. Before the development is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures to reduce the development's vulnerability to crime. The approved measures shall be implemented before any part of the site is first brought into use and thereafter retained.

Reason: In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of LP24(e) of the Kirklees Local Plan.

Note – Contamination reports

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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.

Based on the details submitted for discharge of condition application 2025/90387, the provisions of condition 5 do not hereby activate (i.e. the developer is not required to submit a formal Remediation Strategy). However, be aware that the requirements of condition 7 are still applicable. Evidence of the reuse or removal of materials / stockpiles on site will be required as part of a future application to discharge condition 7, before the site is brought into use. This is to ensure that the site is safe for occupation.

Note – Electric Vehicle Charging Points

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Note – Temporary surface water drainage

The maximum allowable off-site discharge rate should not normally exceed 2.5 litres per second per hectare.

Note – Construction site working times

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

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

With no noisy activities on Sundays or Public Holidays.

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

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Submitted via application 2026/90501			
Application form			20/02/26
Location plan			20/02/26
Proposed plans	02	A	20/02/26
Proposed elevations	03	A	20/02/26
Planning statement			20/02/26
Submitted via application 2024/91336			
Existing site plan	NDP/393/SP		13/05/24
Proposed site plan	01		13/05/24
Proposed store plans and elevations	04		13/05/24
Coal Mining Risk Assessment	C4483/24/E/6850		09/05/24
Contamination and Flood Risk Assessment	317217215		13/05/24
Design & Access Statement			13/05/24
Climate Change Statement			13/05/24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not request amendments during the application process since none were considered necessary.

Report dated: 27/05/26