

**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:	2022/62/93360/E
Site Address:	Wilton Mills, 586, Bradford Road, Batley, WF17 8LP
Description:	Demolition of existing garage and erection of MOT bay/service bay/storage area (within a Conservation Area)
Recommending Officer:	Alice Downham

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: 10 January 2023

Officer Report

Site Description

The application site is tucked to the rear of Wilton Mills, a large industrial building which fronts Bradford Road. The site includes an area of hardstanding and a rectangular building which is located to the northwest of the site along the boundary. The building has three roller shutter doors to the south-eastern elevation and appears to be in use for car repairs. Access is gained into the site between Wilton Mills and 586 Bradford Road. The site slopes from Chinewood Avenue down to Bradford Road.

An area of greenspace to the northeast provides a buffer between the residential development on Chinewood Avenue and the site. There are also a few trees located within the open space that provide screening to the application site. The surrounding area is mixed in character with both commercial and residential buildings in close proximity to one another. Development in the area is a combination of stone and brick.

The site is within the Cross Bank Batley Conservation Area. There are no listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant is seeking permission for the demolition of the existing garage and erection of an MOT bay/service bay/storage area (within a Conservation Area).

The application involves the demolition of the existing building and its replacement with a slightly larger and more modern construction. The materials specified for construction are brick with metal cladding and a combination of slate and corrugated sheeting to the roof.

The new operations within the building will include vehicle servicing and MOT testing.

The application is identical to that which was approved under 2018/91945 (now lapsed).

History of negotiations/amendments received

The KC Highways Development Management consultation response requested that details be provided of the proposed staff and customer parking arrangements and of the storage and access for collection of wastes from the premises. These were received and considered acceptable by officers. The amended plans were not subjected to any formal new publicity since they were not considered to raise substantial new planning issues. The draft conditions were shown to the agent to obtain agreement the pre-commencement conditions. Concerns were raised about the proposed

opening hours condition. Following negotiations, the opening hours were extended to 08:00-18:00 Mon-Fri which is considered appropriate for a business of this type.

Relevant Planning History

At the application site:

98/92881 – Change of use from tweed manufacturers to retail and storage of small commercial vehicles. Refused.

99/90852 – Change of use of former weaving mill to sale and storage of small commercial vehicles. Conditional full permission.

2000/90511 – Erection of single storey valeting building. Conditional full permission.

2015/91278 – Change of use from car sales (Sui generis) to restaurant (A3) (within a Conservation Area). Deemed withdrawn.

2015/94051 – Change of use from light industrial to car repairs and sales. Deemed withdrawn.

2018/91945 - Partial demolition of existing garage and erection of MOT testing and service station (within a Conservation Area). Conditional full permission.

2019/91119 - Discharge conditions 3, 4, 8, 9 on previous permission 2018/91945 for partial demolition of existing garage and erection of MOT testing and service station (within a Conservation Area). Split decision.

Publicity and Representations

The application was advertised by neighbour letter, site notice and in the press due to the site's location within a Conservation Area. Publicity expiry:

- Neighbour letter – 28th November 2022
- Site notice – 24th November 2022
- Press notice – 24th November 2022

As a result of the above publicity, two representations have been received from one address. The following is a summary of the material planning considerations which were raised as concerns:

- Highway safety/parking
- Planning history of the site
- Noise
- Overshadowing of residential properties
- Out of character with Conservation Area.

Other matters raised in the representations are not material planning considerations and as such will not be discussed further.

No parish/town council comments are required in this instance.

Officer comments will be made in section 7 of this report.

Consultation Responses

KC Conservation & Design – informal consultation, no objection.

KC Environmental Health – formal consultation, no objection.

KC Highways Development Management – formal consultation, no objection.

The Coal Authority – no objection subject to conditions.

The Environment Agency – no comments.

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. However, it is located within the Cross Bank Batley Conservation Area.

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. The National Planning Policy Framework 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 pre-dates 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 20** – Sustainable travel
- **LP 21** – Highways and access
- **LP 22** – Parking

- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 30** – Biodiversity & geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

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 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **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** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on the historic environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. Any impact on heritage will be given consideration with regard to Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Policy Planning Framework.

The suitability of the site for commercial use is established. The character of the area is very much mixed. There are traditional stone mill buildings in addition to more modern buildings and materials of construction. The existing site needs attention and works considered to improve the local character of the area should be supported. The upgrading of accommodation with more modern industrial spaces is of benefit in terms of the provision of longer-term accommodation and longevity of activity within the site thereby contributing positively to the area

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.

2 – Impact on visual amenity:

Consideration in relation to the impact on the visual amenity of the host dwelling and street scene shall now be set out, taking into account Policy LP24 (a), which sets out 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”*.

The submitted proposals are identical to those approved in 2018.

The redevelopment of the unit would replace an existing unit that is no longer fit for purpose. The proposed extension to the building would have a flat metal roof and the walls would be constructed of a brick plinth and profiled sheeting. The design is functional for its intended purpose. In the previous permission, confirmation was received that the colour of the metal cladding would be RAL 7024 (Dark grey), which is considered appropriate and akin to the colour slate to which surrounds the site. Should planning permission be granted, it is recommended to secure the materials by condition. The areas proposed of metal sheeting are dark grey to match adjacent roofing materials that are more traditional in addition to areas of sheeting that are also slate coloured. Whilst the development introduces new/alternative materials to the site these are considered functional and appropriate to the site. It is considered that they would not detract from the area when taking into account the context and surrounding buildings.

The size of the proposed MOT bay/service bay/storage area is comparatively small in scale relative to the existing building and would be positioned tucked into the side/rear of the building. The design is functional for its intended purpose and proposes a degree of brickwork to respect the brick construction of the existing building. There is limited view of the site from wider public areas and it is only once within the site area that the building would be visible. As such the development would not affect the existing street scene.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, and the aims of Chapter 12 of the National Planning Policy Framework.

3 – Impact on the historic environment

The site is within the Cross Bank Batley Conservation Area.

Paragraph 194 of the National Planning Policy Framework states *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”*

A Design and Access Statement / Heritage Impact Assessment was submitted as part of the application, which notes that the site is located within a Conservation Area.

Paragraph 195 of the National Planning Policy Framework states *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

The KC Conservation & Design team were consulted. Given the current use and state of the site, and that it is not visible from Bradford Road, they consider that the proposal would not have a harmful impact on the conservation area or its setting.

Paragraph 197 of the National Planning Policy Framework states *“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;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

In this instance, the proposal is for the redevelopment of a site in existing commercial use within the Conservation Area. It is considered that this would be a viable use. Given the state of the site, the lack of heritage value in the existing garage, and that it is screened from view of Bradford Road, it is considered that the proposal would sustain the significance of the heritage asset.

Paragraph 199 of the National Planning Policy Framework states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* Paragraph 200 of the National Planning Policy Framework states *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”* In this instance, it is considered that the proposal would not result in harm to the designated heritage asset.

The proposal therefore complies with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24

(b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Overshadowing

The proposed MOT bay/service bay/storage area would be 1.3m higher at the ridgeline and 3.6m higher at the eaves than the existing building, with an overall height of 6.7m. As a result, there could be some additional overshadowing impact on the neighbouring residential dwelling to the northwest, 25 Carlinghow Hill. The side elevations of this dwelling faces towards the application site. There are two windows on the side elevation which appear to be secondary or serve non-habitable spaces. There is also a parking area between this dwelling and the application site. Given the orientation of the application site to this dwelling, any overshadowing impact would be confined to the morning. As such, it is considered that any additional overshadowing impact on this neighbour would not be significantly detrimental.

Noise

KC Environmental Health were consulted. Their response highlights that the proposed development is close to residential buildings, and there are nearby businesses. Due to the intended use, these may be impacted by noise from the movement of cars as well as other related noises relating to the proposed operations. As a result, they recommend a condition related to an assessment of noise be added to the decision notice, should planning permission be granted.

Although KC Environmental Health recommend a condition to restrict construction site working times, officers consider an informative footnote to be reasonable. However, following the previous permission (2018/91945), it is recommended to add a condition restricting the hours of operation, should planning permission be granted.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, and Paragraph 130 (f) of the National Planning Policy Framework.

5 – Impact on highway safety:

KC Highways Development Management were consulted. Their response highlights that Planning permission was granted in December 2018 for the partial demolition of an existing garage and erection of MOT testing and service station on this site, application number 2018/91945. The highways consultation response attached to the previous permission referred to the formation of 8 parking spaces within a gated compound and requested a condition to secure this parking together with a further condition requiring

details of storage and access for collection of wastes from the premises. Details of the proposed staff and customer parking arrangements and details of the storage and access for collection of wastes from the premises have been provided for the current application. Given the previous approval Highways Development Management have no objection to this proposal. It is considered appropriate to recommend a condition requiring the parking area to be marked and laid out prior to the use commencing, in the interests of highway safety, should planning permission be granted.

It is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

6 – Other matters:

Contaminated land

This site has been identified on our mapping system as being situated on and adjacent to potentially contaminated land due to its historical land use (site reference: 63/5). KC Environmental Health were consulted and note that A Coal Mining Risk Assessment by Holdgate Consulting Ltd (no date and no reference) has also been submitted in support of the application.

The report identifies risks from possible underground shallow mine workings and explains that the site is within a high-risk development area. The report then recommends a site investigation to confirm or otherwise the presence of shallow workings.

The report only assesses the risk from the historic coal mining legacy. KC Environmental Health recommend that at a minimum, a preliminary risk assessment is undertaken to assess the potential pollutant linkages at the proposed development. For the reasons detailed above, contaminated land conditions relating to preliminary risk assessment and the subsequent phases of the development are recommended, should planning permission be granted.

Therefore, the development would comply with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Ecology

The site is located within a bat alert layer on the Council's GIS mapping system. Should planning permission be granted, it is recommended that an informative footnote be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Coal Mining Legacy

The Coal Authority were formally consulted. Their response highlights that the application site falls within the defined Development High Risk Area. It also noted that the planning application is accompanied by a Coal Mining Risk Assessment (date unknown) by Holdgate Consulting Ltd. The Coal Authority assume that the applicant considers that this an appropriate assessment for this application. Accordingly, based on the review of existing geological, historical and coal mining information, the report author concurs with Coal Authority records and considers that due to the likely presence of unrecorded shallow workings beneath the site, ground investigation works in the form of two rotary boreholes to depths of 30m are required. The findings of which should inform the extent of any remedial and / or mitigation measures required to ensure safe and stable development (paragraphs 183 and 184 of the National Planning Policy Framework). The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. Conditions are recommended to be imposed, should planning permission be granted.

Main River

Batley Beck is a designated main river and is located within 20m of the application site. In line with the DMPO, the Environment Agency has been consulted on this development proposal. The Environment Agency have no comments on the proposal. Therefore, the proposed development is considered to comply with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Carbon Budget

The proposal is a minor development for the demolition of an existing garage and erection of an MOT bay/service bay/storage area. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of electric car charging points is recommended (should the application be approved). The proposal therefore complies with Policies LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

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

7 – Representations:

Two representations have been received from one address. The following is a summary of the material planning considerations which were raised as concerns:

- Highway safety/parking
- Planning history of the site
- Noise
- Overshadowing of residential properties
- Out of character with Conservation Area.

These matters have all been addressed within the officer report.

8 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to recommend the inclusion of the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- External walls to be brickwork with metal sheet cladding in colour RAL 7024
- Roofing materials to be slates and corrugated sheeting.
- Noise report (pre-commencement)
- Hours of operation
- Parking areas to be marked out and laid out
- Submission of Phase 1 Preliminary Risk Assessment (pre-commencement)
- Submission of Phase 2 Intrusive Site Investigation Report (pre-commencement)
- Submission of Remediation Strategy (pre-commencement)
- Implementation of Remediation Strategy
- Submission of Verification Report
- Intrusive site investigations and necessary remediation – coal mining (pre-commencement)
- Submission of a statement or declaration confirming that the site is safe and stable for the approved development.
- Electric vehicle charging points

Pre-commencement conditions have been agreed.

9 – Conclusion:

This application for demolition of existing garage and erection of MOT bay/service bay/storage area (within a Conservation Area) at Wilton Mills, 586, Bradford Road, Batley, WF17 8LP, 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 development is considered acceptable.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/93360

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, LP20, LP21, LP22, LP24, LP27, LP30, LP35, LP51, 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 external walls of the development hereby approved shall be faced in brick and dark grey coloured (RAL 7024) metal sheet cladding. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of Chapter 12 of the National Planning Policy Framework.

4. The roofing materials of the development hereby approved shall be slates and corrugated sheeting. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of Chapter 12 of the National Planning Policy Framework.

5. Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all of the noise emissions from the proposed development

b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises

c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of

amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturdays. No activities shall take place on Sundays or Bank Holidays.

Reason: In the interest of residential 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.

7. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plan have been marked out and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.

Reason: In the interests of amenity and highway safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21, LP22, and LP28 of the Kirklees Local Plan, the Highways Design Guide SPD and the aims of the National Planning Policy Framework.

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

Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation

Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. No development shall commence (EXCLUDING DEMOLITION) until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that

adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

14. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

15. 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
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, in accordance with Policies LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the

Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: 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.

NOTE:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- 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: 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 13.00 hours, 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	Web ID	Date Received
Location Plan	Site Location Plan and Block/Site Plan	956455	18/10/2022
Existing Elevations	Existing Front Elevation and Existing Side Elevation	956457	18/10/2022
Proposed Site / Block Layout	Proposed Site (Block) Plan	956456	18/10/2022
Proposed Site / Block Layout	Proposed Site (Block) Plan showing parking	967243	18/10/2022
Proposed Elevations	Proposed Rear Elevation	956458	18/10/2022
Proposed Elevations	Proposed Front Elevation and Proposed Side Elevation	956459	18/10/2022
Proposed Floor Plans	Proposed Ground Floor Plan	956461	18/10/2022
Design and Access Statement	Design and Access Statement – Heritage Statement	956452	18/10/2022
General	Coal Mining Risk Assessment by Holdgate Consulting Ltd (undated)	956965	18/10/2022

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 KC Highways Development Management consultation response requested that details be provided of the proposed staff and customer parking arrangements and of the storage and access for collection of wastes from the premises. These were received and considered acceptable by officers. The amended plans were not subjected to any formal new publicity since they were not considered to raise substantial new planning issues. The draft conditions were shown to the agent to obtain agreement the pre-

commencement conditions. Concerns were raised about the proposed opening hours condition. Following negotiations, the opening hours were extended to 08:00-18:00 Mon-Fri which is considered appropriate for a business of this type.

Report Dated: 06/01/2023