

**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:	2023/62/91071/W
Site Address:	Town Cafe, 33, Alder Street, Fartown, Huddersfield, HD1 6LD
Description:	Demolition of existing building and erection two storey building with ground floor cafe and first floor office
Recommending Officer:	Katie Chew

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.

John Holmes

AUTHORISED OFFICER

Date: 27th July 2023

Officer Report

Site Description

Town Cafe, 33, Alder Street, Fartown, Huddersfield, HD1 6LD

The application site relates to a small portion of land currently occupied by a single storey brick-built structure which previously operated as a sandwich shop known as 'Town Café'. The building is located directly adjacent to the public highway and is surrounded by a number of industrial and commercial uses in all directions.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for demolition of existing building and erection of two storey building with ground floor cafe and first floor office.

The proposed building is to measure approximately 6.7m x 6.4m with a ridge height of 7.3m.

The building is to comprise of a café, kitchen/counter area and accessible WC to the ground floor. To the first floor there will be an office and WC which is all accessed via an external staircase to the side of the property. On the rear roof slope photovoltaic panels are also proposed.

The building is to be constructed from coursed stone with concrete interlocking roof tiles.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

There is no relevant planning history at the application site or at adjacent sites.

Representations

Final publicity date expires:

Neighbour Letters – Expired 30th June 2022.

No representations have been received to date.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management

Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

Consultation Responses

KC Environmental Health (Strategic Waste) – Comments received 12th July 2023. There is one closed landfill site within 250m of the application address.

SW0002 (Brick and Tile) lies approximately 190m away and there has been no CH₄ detected over the last 18 years, CO₂ has ranged between 2% and 12% v/v over the same time period.

KC Environmental Health – Comments received 8th June 2023. No objections subject to conditions and informatives relating to land contamination, odour, drainage and construction noise.

KC Highways Development Management – Comments received 5th July 2023. No objections.

KC LLFA – Comments received 6th June 2023. No objections.

The Coal Authority – Comments received 19th June 2023. No objections subject to conditions relating to intrusive investigations and remediation works, and the submission of a signed statement confirming that the site is safe and stable for the proposed development.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

The application site is partially located within Flood Zone 2 to the north-eastern corner and is within a Coal Referral Area. It is also important to note that the site approximately 100m away from Fartown Local Centre (to the west).

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development

- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective use of Land and Buildings
- LP13 – Town Centre Uses
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable Energy
- LP27 – Flood Risk
- LP28 – Drainage
- LP44 – New Waste Management Facilities
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees Highway Design Guide (2019)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the Vitality of town centres
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development

- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Town Centre Uses

In this case, Policy LP13 of the Kirklees Local Plan is relevant, this is due to the proposals seeking to replace an existing café, with a new structure to be used as a café and office which fall within Use Class E. This use is considered to be a main town centre use, and therefore a Sequential Test is required for such uses in out of centre locations.

The applicant has provided a Sequential Test which outlines that that existing café is modest and has been established there for 30 years. The building is currently closed as it is in poor condition and requires refurbishment. However, given the amount and nature of the refurbishment works required, the applicant believes the money would be better spent on a new building and would like to use the opportunity to add a first-floor office. The proposed café will also be the same size as the existing café.

The Sequential Assessment has undertaken a review of various letting agents' websites within the nearest designated local centres and main town centre. Noting 4 units which may have had potential but have been ruled out due to not having the opportunity to provide the proposed office element, or being significantly larger than required, or located around 1.5km away from the location.

Taking the above into consideration, as the site is/was already operating as a café in this location, and that the proposed café would be no larger than the existing, Officers have no concerns in regard to this element of the scheme as this would support the ongoing operation of an existing business. In terms of

the proposed office accommodation, whilst this would introduce a new use within the building, this would be at first floor level and therefore would allow for the continued use of the building for commercial purposes as a café on the ground floor. The offices would also help introduce additional office space within the locality and is not located far from Fartown Local Centre.

In addition, it is concluded that an impact assessment would also not be required in this instance as the proposals would be no larger than 200sqm gross.

In this case there are considerations which weigh in favour of the proposal, these being the fact the site is already a class e use in an out of centre location and the proposal would see the refurbishment and continued operation of a currently closed business. The resultant increased floor space is not considered to be of a significant scale and it is considered that, having regard to the discounted sites set out in the sequential assessment, the proposal has satisfied the requirements of development of out of centre locations in this case.

For the above reasons, the proposals are considered to be acceptable in principle.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby paragraph 126 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 130 of the NPPF is of relevance, in particular the following parts: -

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The proposed development seeks to replace an existing single storey pitched roof structure which is linear and simple in design. The new building is to be two-storeys in height, also utilising a pitched roof design and is to be traditional in appearance. The building is to be constructed from coursed stone and concrete interlocking roof tiles, with stone headers and cills and anthracite doors and windows. A galvanised steel staircase is proposed along the side elevation to provide access to the first-floor office accommodation. Solar panels are also proposed on the roof to the rear.

In terms of the proposed layout, the building is to be located on a similar footprint to the existing structure but is to be stepped back slightly (approx. 1.5m) from the public highway to enable space for an outdoor seating area to the front. Space/access is provided around the whole of the building ensuring that it does not appear overly cramped or restricted within the site.

It is acknowledged that the replacement building will result in additional bulk and massing at the site, and that given the context and commercial nature of the area many of the buildings in the immediate vicinity are single storey in height however, many of these structures have significantly larger footprints than that of the building proposed and are functional in design and nature.

Therefore, the proposed two-storey building is not considered to be overly dominant or detract from the existing streetscene. In addition, the building would be viewed against the backdrop of other two-storey structures located further down Alder Street and further afield on Bradford Road to the west. Therefore, the introduction of a two-storey unit in this location is not considered to be an alien feature in the area. Finally, Officers consider the proposed design and materials to be reflective of what already exists within the current building and surrounding area, and that it would be sympathetic to context within which it would be viewed. A condition requiring the development to be undertaken in accordance with the submitted plans would be included upon any grant of permission and given the detail of the plans sets out the intended materials of construction it is considered subject to inclusion of this condition the proposal would be acceptable in this regard.

Taking the above into consideration, the development is therefore concluded to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Given the location and context of the application site and surrounding area which is encased with other commercial and industrial buildings/uses, the nearest residential property is located approximately 100+ metres away. Given this large separation distance Officers have no concerns in regard to overshadowing, overlooking, or the proposals appearing overbearing in nature on any adjacent neighbouring properties.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into consideration noise and odour pollution at the site, the Council’s Environmental Health officers were consulted and noted that the office accommodation is proposed to be directly above the café whereby cooking odours could cause a loss of amenity to future users and other workplaces in the vicinity. A condition is therefore recommended should planning permission be granted, that the applicant provide details of the kitchen extract system to be used prior to the cooking of food commencing on site.

Whilst no opening hours have been provided within the submitted documents and information, the Council’s Environmental Health officers raise no concerns in regard to noise pollution and do not consider it reasonable or necessary to restrict opening hours in this instance, this is due to the sites location within a industrial/commercial setting whereby there are no residential dwellings in close proximity to the site. However, Officers have sought to impose a condition which restricts the use of the building to either café on the ground floor and office on the first floor. This is to ensure that no other uses are provided here within this use class / by utilising permitted development rights without first being assessed by the Local Planning Authority, this is in the interests of residential amenity (and highway safety as discussed later in the report).

Taking the above into consideration, it is concluded that subject to conditions, the proposal does not give rise to any undue adverse impacts upon

neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 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.

The application seeks approval for the demolition of an existing building and the erection of a two-storey structure featuring a café on the ground floor and an office on the first floor. The existing café currently has no off-street parking provision and again none is proposed within the current application.

Bin storage is shown to the rear of the building and there is space shown at the front of the gate to the northern pedestrian access to allow a bin to be left out for collection.

In terms of traffic generation and parking demand, the proposed café will replace the existing unit and given that the proposed office is relatively small and subject to the use being restricted to use Class E g (I to iii) Highways Officers would raise no objections to the proposals as submitted.

It is therefore concluded that the proposed scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Contaminated Land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The site of the proposed development has been identified on the Council's mapping system as potentially contaminated land due to its previous use as a depot, site ref: 642/9, it is also across the road from Hillhouse sidings site ref: 97/9. It is in close proximity to several other industrial areas and a former landfill site ref: 40/10. The Council's Environmental Health team therefore recommended that contaminated land conditions are attached should planning permission be granted.

The inclusion of these conditions are considered to be sufficient to ensure the development complies with policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the NPPF.

Drainage

Policy LP28 of the Kirklees Local Plan relates to drainage and is considered relevant in this case.

It is acknowledged that a commercial kitchen producing foods that involve the use of fats and oils can cause damage to the drainage network from a build-up of grease, fats and oils. Therefore the Council's Environmental Health Team have requested a condition in order to protect the drainage network.

Coal Mining Legacy

A Coal Mining Risk Assessment by Geoinvestigate Ltd, dated the 24th of April 2023, ref: G23162, has been submitted in support of the application.

The report concludes that shallow coal mine workings pose a medium to low risk to the proposed development. The Coal Authority were consulted and concur with the conclusions drawn within the above report noting that investigations are required, along with the possible remedial and mitigatory measures in order to ensure the safety and stability of the proposed development. Conditions to that effect are therefore recommended.

Officers also note that the report attributes a potential risk to future users from possible shallow coal but does not fully assess all the potential contamination at the site. It discusses the possibility of gas protection measures. The Council's Environmental Health team recommend full contaminated land conditions in order to fully appraise the site situation and ensure any appropriate monitoring is undertaken before protection or remediation is discussed.

Flood Risk

Part of the site is within Flood Zone 2 on the Environment Agency's Flood Risk Map for Planning (land assessed as having between a 1% and 0.1% annual probability of fluvial flooding or between a 0.5% and 0.1% annual probability of tidal flooding in any year).

Policies LP27 and LP28 of the Kirklees Local Plan, as well as Chapter 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage and flooding risk.

Paragraph 159 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy LP27 of the Kirklees Local Plan relates to flood risk and states that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy.

Whilst no details have been provided in respect of flooding, the proposed building itself is to be located just outside of the Flood Zone 2 identified area, leaving the space falling within the flood zone to be utilised as an access to the rear of the building and to the steel staircase which leads to the entrance of the proposed office accommodation. In addition, the Council's LLFA team were consulted on the proposals and raised no objections to the application with no further comments to add.

Given the above, it is considered that the proposals are in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

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 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.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;

b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;

c. the statutory protection of any area would not be compromised by the development;

d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;

e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits’.

A Climate Change Statement supports the application and notes that the proposed new building will be designed using a ‘fabric first’ approach, prioritising the design and construction to improve thermal performance and reduce the need for energy, sourcing materials locally. The building will have low energy LED lighting throughout and solar panels on the roof to produce renewable electricity.

Given the above, it is not considered reasonable to expect any additional information to be submitted in respect of meeting the Council’s climate change agenda in this instance. The development would have its energy sources to reduce resilience on sources of non-renewable energy.

Pre-Commencement Conditions

As required by The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 the planning agent for this application has been notified of all recommended pre commencement planning conditions and confirmed in an email dated 26th July that they are in agreement to any grant of permission being subject to those conditions.

6 - 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation – Delegated Powers

Application Number – 2023/91071

Officer Recommendation – Approve.

Conditions and Reasons:

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

Reason: To ensure compliance with 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, LP20, LP21, LP22, LP24, LP30, LP33, LP35, LP51 & LP52 of the Kirklees Local Plan and policies within Chapters 2, 4, 6, 7, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The first floor of the building hereby approved by this permission shall only be used for purposes relating to a use falling within Use Class E (g) (i, ii and/or iii) of the Town and Country Planning (Use Classes Order) 1987 (as amended), with the ground floor of the hereby approved development only being used for purposes relating to a use falling within Use Class E (b) of the Town and Country Planning (Use Classes Order) 1987 (as amended). The building shall not be used for any other uses outside of these use classes without first receiving written approval from the Local Planning Authority. **Reason:** In the interests of residential amenity and highway safety and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and policies within Chapters 9 and 12 of the National Planning Policy Framework.

4. Before food cooking commences details of a kitchen extract system shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. Dispersion must ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- If required, details showing the proposed location of all the major components of the extract system.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract, system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

5. No development shall commence (excluding the demolition of existing structures and site clearance) until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - a) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason: to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework, Chapter 15 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

6. 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, Chapter 15 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

7. 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7

groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that thorough investigation is undertaken at an appropriate time of the development process.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that a thorough remediation strategy is agreed at an appropriate time of the development process.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

12. Before food cooking commences a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with policy LP44 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

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.*

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

NOTE: Noisy construction related activities shall 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.

NOTE: Kitchen Extract Scheme –

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ May 2022 (2nd Edition).

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

NOTE: All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	00_002	-	11 th April 2023
Existing Plans and Elevations	00_01	-	11 th April 2023
Proposed Site Plan	01_01A	-	11 th April 2023
Proposed Plans and Elevations and Sections	02_01A	-	11 th April 2023
Planning Statement – Sequential Assessment – Supporting Information	1772	-	25 th May 2023
Coal Mining Risk Assessment – Supporting Information	G23162	-	24 th April 2023
Climate Change Statement – Supporting Information	-	-	11 th April 2023

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

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals are considered to be acceptable upon submission.

Report Dated:

25/07/2023