

**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:	2023/62/91299/E
Site Address:	Staincliffe Conservative Club, Chapel Fold, Staincliffe, Batley, WF17 7AY
Description:	Erection of dormer extension, alterations and change of use of former club to restaurant/cafe and 6 flats with car parking and access arrangements
Recommending Officer:	Nina Sayers

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16/05/2024

Officer Report

Site Description

Staincliffe Conservative Club, Chapel Fold, Staincliffe, Batley, WF17 7AY.

The application site relates to a former members club with associated car parking, located on the junction of Staincliffe Road and Chapel Fold. The property is a detached, stone structure which appears to have historically been two separately used buildings. The applicant has confirmed that the most northerly part of the building is an existing residential flat. There is an area of hardstanding to the south-east of the property which is accessible via Chapel Fold.

The application site is in a residential and commercial area with a public house bordering the south-eastern boundary, a small barbers shops adjoining the property to the west and residential dwellings to the north. The site is unallocated within the Kirklees Local Plan but is located within Lower Staincliffe Local Centre boundary.

Description of Proposal

The application is seeking planning permission for the erection of dormer extensions, alterations and the change of use of the former club to restaurant/cafe and 6 flats with car parking and access arrangements.

The proposal comprises a restaurant/café on the ground floor and 5 residential flats spread across three floors. There would be minimal external changes including additional openings to the in the south-western elevation, a doorway in the south-eastern elevation and velux windows and two dormer windows proposed in the roof face.

A vehicle opening is also proposed onto Halifax Road with a one way system for vehicles and parking spaces for both the proposed café and residential use.

History of Negotiations

Officers had some concerns regarding the design of the proposal in relation to the residential amenity and the failure to comply with the Nationally Described Space Standards (NDSS). Highways also raised concerns regarding the proposed parking and access arrangements. Amended plans were sought and provided.

Relevant Planning History

92/01002 - Erection of porch. Conditional full permission

2002/92964 - Erection of single storey extension. Conditional full permission.

Consultations

Below is a summary of the consultation responses received:-

KC Highways Development Management – No objections subject to conditions.

KC Environmental Health – No objections subject to condition

LLFA – No objections subject to condition

KC Policy – No objections raised.

Representations

The application was advertised by neighbour notification letters. Final publicity expired on 19th June 2023. No representations were received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP7 – Efficient and Effective Use of Land and Buildings
- LP13 – Town Centre Uses
- LP16 – Food and drink uses and the evening economy
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates 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 (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide
- Housebuilders Design Guide SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 6 – Building a strong, competitive economy.
- Chapter 7 – Ensuring the vitality of town centres.
- Chapter 9 – Promoting sustainable transport.
- Chapter 12 – Achieving well designed and beautiful places.
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1. Principle of Development

NPPF paragraph 12 and LP1 outlines 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 this proposal. The site is without notation within the Kirklees Local Plan.

Policy LP2 states that: 'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'.

Chapter 11 of the NPPF requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improvement the environment and ensure safe and healthy living conditions. As well as this, Local Planning Authorities have the responsibility to help create the conditions, in which businesses can invest, expand, and adapt. It follows that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Commercial Use

The application is for the change of use of an existing members club to a café/restaurant and residential apartments on the upper floors. The site is located within Lower Staincliffe Local Centre boundary and a café/restaurant is considered a main town centre use as defined within the NPPF. LP13 of the Kirklees Local Plan states that proposals for main town centre uses should be located within defined centres. It goes further to outline that local centres, like Lower Staincliffe, should provide local services, particularly food and drink. The proposed use as a café/restaurant in this location is therefore considered appropriate.

LP16 of the Kirklees Local Plan states that proposals for food and drink uses would be supported provided they are located within a defined centre and subject to ensuring the concentration of food and drink uses are not located in a particular centre or part of a centre where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, criterion a requires the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre to be considered. The previous use as a members' club could be considered to be food and drink use and with the change of use resulting in an alternative food and drink use, the proposed development would not change the make-up of commercial units within Lower Staincliffe Local Centre. The proposed unit would also be open throughout the day and would activate a previously inactive frontage by creating a vehicle and pedestrian access from Halifax Road. Compared with the previous use as a private members' club, the proposed restaurant/café will be open to all members of the public potentially attracting more trade and footfall. Overall, it is considered that the proposal would not result in harm to the character, function, vitality and viability of Lower Staincliffe Centre.

Residential Use

Regarding the residential use, the proposed development would not interfere with the operation of the proposed commercial unit or the existing commercial uses in the area.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of

NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

This site is within Lower Staincliffe Local Centre but is otherwise unallocated within the Kirklees Local Plan. Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate two to three dwellings. Five apartments are proposed in this instance, which exceeds the recommended density. This is not considered to be overdevelopment as the proposal would be residential apartments in an existing building.

As such, in the broadest form, the principle of development of this site is considered acceptable in accordance with Local Plan Policies LP1 and LP2. However, the development must now be assessed against all other material considerations.

1. Impact on Visual Amenity

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

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 works would be primarily to the internal of the building, however there would be some external changes to the property, including additional

openings on the south-western side elevation, a doorway in the south-eastern elevation, and roof lights and two pitched roofed dormers in the south-eastern elevation.

The proposed changes to openings would be in keeping with the general style and design of the existing openings. The proposed dormer windows would be moderate and set well within the roof space. They would also be located on the south-eastern elevation which fronts the car park thus not impacting on the wider street scene.

Having taken the above into account, it is considered the proposed development would not cause any significant harm to the visual amenity, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Local Plan Policy LP24 states that proposal should 'minimise impact on residential amenity of future and neighbouring occupiers'. Further to this, Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposal would change part of the use of the building into residential use which could result in additional overlooking harm. No.54 Halifax Road would be located ~9m north-west from the host property which would have openings in the ground and first floor elevations serving bedrooms. The side elevation of no.54 is a blank gable with one small opening which appears to be obscurely glazed, therefore no significant overlooking harm is considered to be created. To the south-east is a public house, set ~21m from the application site. This also has a blank gable facing the site so no additional harm is considered to be caused to residential amenity.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed flats did not initially meet the minimum recommendations as set out within the NDSS for the proposed dwelling types, and therefore officers requested amended plans. The scheme was reduced to 5 residential apartments, all of which comply with the minimum recommendations as set out within the NDSS apart from Flat 1. Flat 1 marginally falls under the recommended limit however the agent has confirmed that this flat is existing

and therefore to refuse the proposal on this basis would be considered unreasonable in this instance.

A commercial business is proposed directly adjacent to the residential accommodation. As such, KC Environmental Health were consulted on the proposal. It is important to protect the amenity of future occupiers from noise generated by the business and customers. In the event that planning permission is approved, conditions are therefore recommended in relation to sound insulation between party structures, restricting the hours of operation of the commercial business and a noise management plan for any outside area within these hours of operation.

No information has been submitted regarding the type of food to be prepared and cooked and whether a kitchen ventilation system has been designed to effectively remove grease and odours and mitigate against noise from the extract fan. Any extraction system would require careful consideration and design given there are proposed residential flats above with high level windows and roof lights. To protect the amenity of the future occupants of the residential accommodation, in the event that planning permission is approved, a condition is recommended.

Taking the above into consideration, subject to conditions, the proposed development is considered to not cause significant harm to the amenity of neighbouring occupiers and as such would not have an adverse and detrimental impact on residential amenity and the health and wellbeing of the occupiers. Complying with LP24, LP51 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

3. Impact on Highway Safety

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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposed scheme would include a new vehicle access off Halifax Road with a one way system, exiting using the existing access onto Chapel Fold. There would be a total of 13 parking spaces proposed, one allocated to each flat and 7 more for visitors and the proposed commercial unit.

KC Highways Development Management (KC HDM) have been consulted as part of this application and raised the following comments. Vehicular access is to be improved as part of the proposed development as a second access would be formed off Halifax Road. The proposed access off Halifax Road would be maintained as existing, at 3.5m wide. It is proposed that there would be a one-way system for vehicles accessing the car park. Entry to the site will be from the new access formed on Halifax Road and the existing access off Chapel Fold forms the proposed exit.

Approximately 20m of hatching in the central reserve on Halifax Rd would need to be removed to create a right turn lane. Signage and angled parking bays would be provided to enforce the one-way system.

The existing visibility to the southwest of the access off Chapel Fold is restricted due to the existing wall, which currently only allows for a maximum visibility splay provision of 2m x 10m to the southwest. This wall is to be reduced to 700mm high as part of the proposed development which allows for a visibility splay provision of 2m x 26m, where the splay ties into the Halifax Road / Chapel Fold junction

A total of 6 car parking spaces have been allocated to the proposed apartments. There is also an unallocated disabled parking space provided and a short stay motorcycle parking space provided within the site.

Following concerns raised by KC HDM, the agent provided a revised site plan with a vehicle swept path and HDM were satisfied that this addressed their concerns, subject to conditions requiring that: the wall height be lowered adjacent to the access, details of a right turn lane and ingress/egress signage. In the event that planning permission is approved, conditions to that effect are recommended.

As such, subject to conditions, the proposal complies with LP21, LP22 and LP24 of the Kirklees Local Plan and paragraph 110 of the NPPF as well as the aims of the Highways Design Guide SPD.

4. Other Matters

Carbon Budget

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

When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In order to meet the policy and guidance outline above, it would be conditioned that the provision of at least one electric vehicle charging point for every ten spaces to be installed prior to the building being bought into use.

There are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards. This will ensure the proposal accords with LP51 and LP52 of the Kirklees Local Plan.

Drainage

A commercial kitchen can cause detriment to the foul drainage network due to fats, oils and grease entering the system. To protect the drainage network, KC

Environmental Health recommend a condition. This site is not within a flood zone are therefore no other special measures are required. The LLFA raised no objections to the proposal. In the event that planning permission is approved, suggested condition is recommended.

Contaminated land

The proposed development is not situated on land identified as potentially contaminated land however it is in an area where heavy industry operates. Some groundworks would take place as part of the development and KC Environmental Health therefore recommend conditions in relation to unexpected contamination are attached to any approval.

5. Representations

No representation received.

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, national planning policy framework and other material considerations. It is considered that the development would constitute sustainable development and would not harm caused to residential amenity and highway safety.

Recommendation:

Approval

Decision Authorisation - Delegated Powers

Application Number: 2023/91299

Officer Recommendation: Approve

Conditions:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP13, LP16, LP21, LP22, LP24, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 7, 8, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party walls/ceiling of the development is of a minimum of 55 dB Dntw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before the development is brought into use, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the noise mitigation measures that will be used at the proposed development to control noise from the use of the commercial unit and it shall demonstrate that the noise will not cause a loss of amenity at nearby noise sensitive premises. The approved scheme shall be implemented before the development is brought into use and retained thereafter.

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.

5. The commercial use hereby permitted shall not be open to customers outside the hours of:

- 07:00 to 19:00 Monday to Saturday
- 10:00 19:00 Sunday and Bank Holidays, and

There shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. 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. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- 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 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. Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been 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 LP44 of the Local Plan. This is a pre-commencement condition to ensure that any risk to drainage is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

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

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

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

9. Before the development is brought into use, electric vehicle recharging point(s) shall be installed. The scheme shall meet at least the following minimum standard for numbers and power output of the current West Yorkshire Low Emission Strategy (WYLES) document. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework

10. There shall be no commencement of the development hereby permitted until the walls adjacent to both accesses have been lowered as demonstrated on the hereby approved Existing and Proposed Floor Plans and Elevations Rev.C. The wall to the Chapel Fold site frontage shall be lowered to a height of 0.7m and shall not exceed this height for the lifetime of the development. The wall to the Halifax Road frontage shall be lowered to a height of 1.0m and

shall not exceed this height for the lifetime of the development. The visibility splays should thereafter be retained free of any obstruction.

Reason: To ensure adequate visibility in the interests of highway safety to accord with LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

11. Prior to development commencing, a detailed scheme for the provision of a right turn pocket within the existing central white line hatching from Halifax Road into the site shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audits covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use and thereafter retained. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Reason: To ensure adequate visibility in the interests of highway safety to accord with LP21 of the Kirklees Local Plan.

12. Before the development is brought into use the ingress and egress shall be signed and lined 'IN' and 'Out' in accordance with details that have been approved in writing by the Local Planning Authority. The signs and lining approved shall thereafter be retained.

Reason: To ensure adequate visibility in the interests of highway safety to accord with LP21 of the Kirklees Local Plan.

13. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 and LP22 of the Kirklees Local Plan.

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: Detailed advice for Kitchen Extract Scheme is available in "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" by EMAQ May 2022 (2nd Edition).

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: 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. 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 in relation to Approved Documents.

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: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have

the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Single Plan All Information - Existing and Proposed Floor Plans and Elevations and Site Plan		Rev.C	03/01/2024
Access Appraisal	2214701		13/09/2023
Planning/ Design and Access Statement		8 th August 2022	12/05/2023
Transport Statement	22147 Chapel Fold, Batley TS	November 2022	12/05/2023

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 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.

Officers had concerns regarding the design of the proposal in relation to the residential amenity and the failure to comply with the NDSS. Highways also raised concerns regarding the proposed parking and access arrangements. Amended plans were sought and provided.

Report Dated: 15/05/2024

