

**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:	<b>2023/62/92129/E</b>
Site Address:	Pennine Autos, Wakefield Road, Grange Moor, Huddersfield, WF4 4DS
Description:	Change of use to Car Dealership (Sui Generis), erection of extensions, alterations to existing building and alterations of hard standing
Recommending Officer:	Elenya Jackson

**DECISION – Full Planning Permission – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Nicholas Hirst

***AUTHORISED OFFICER***

**Date:** 07/08/2025

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**Application:** 2023/92129

**Site:** Pennine Autos, Wakefield Road, Grange Moor, Huddersfield, WF4 4DS

**Proposal:** Change of use to Car Dealership (Sui Generis), erection of extensions and alterations to existing building, excavation to create basement, and alterations of hard standing

## **Officer Report**

### **Site Description**

The application site comprises of 1.2h of land located to the North of the A642, Wakefield Road, approximately 184m west of Grange Moor Roundabout.

The site comprises a building, currently used for car sales / showroom, and associated land which is used for the storage of vehicles. There is extensive planning history on site, with the structures previously being used as a Garden Centre, a Motel and restaurant, petrol station and a car garage prior to the submission of the current application.

There is currently a restaurant to the west of the application site, allotments and vacant land between the application property and Grange Moor Roundabout to the west and residential dwellings to the south.

The site is semi-rural / on the edge of the urban environment. The wider context of the site has an industrial estate known as Jubilee Way to the east of the application site and agricultural land to the north and south of the site.

### **Description of Proposal**

The proposal seeks permission to extend and alter the existing building on site. Due to the site functioning as a garden centre for a period of time without planning permission, a change of use has been included in the description of development to regularise the development.

The application consists of the following:

#### **Enclosing the existing forecourt**

The existing building features a flat roofed projecting forecourt roof on the southern (front) elevation, associated with the previous (petrol station) use of the site. This would be enclosed via glazed panels to form internal showroom space, with louvered fins and signage around the around the edge of the existing forecourt roof.

#### **Part first floor part two storey rear extension**

Projecting from the building north (rear) elevation, there is an existing single storey section of the building, which slopes down from the first-floor element of the existing building. This features a flat roof; however, due to the topography of the site sloping in a northerly direction, this appears as a lean-to. The existing single storey projection extends 17m beyond the two-storey section of the building. This would be demolished.

In its place, a part two storey, part single storey rear extension would project 14m beyond the existing building. The first-floor extension would feature a centrally aligned double pitched roof with a maximum height of 6.8m with an eave's height of 5.6m. This would be finished with grey cladding and anthracite doors and windows.

Openings in the extension include three vehicle doors on the rear elevation, glazed panels on the east elevation, and windows at first floor level.

#### Single storey side extension

On the eastern elevation of the site a single storey extension is proposed. It is identified as a 'handover bay'.

The extension would project 6.3m beyond the side elevation of the existing building, have a depth of 8.1m. and would feature a flat roof with a maximum height of 3.3m.

This extension would also be faced in grey cladding, with large glazed panels on the east elevation.

#### Alterations to hardstanding to provide parking

There is currently hard standing to the front, side and rear of the building. This is formally laid out and marked into bays to the front of the building. To the rear, this is informal with no marked bays This would be resurfaced and formed into bays as part of the application.

Boundary treatment to the rear currently consists of timber fencing. The plans proposed new timber fencing, although specific details (i.e., design and height) have not been submitted.

#### Other works

There is currently a mix of materials on site due to the property being extended at various times; however, the application form states that the proposal would be finished with grey cladding matching the existing.

The existing buildings elevations and sections, unaffected by extensions, would be partly reclad and include decorative louver panels to match those proposed on the proposed forecourt enclosure.

## History of negotiations/amendments received

The description of the application has been amended several times during the course of the application, either to more accurately reflect the development, to capture alterations following discussions regarding the history of the site or amend the development in response to concerns raised by officers.

During the course of the application, the excavation element of the proposal to create a basement was removed and the application progressed to determination with the following description:

*'Change of use to Car Dealership (Sui Generis), erection of extensions and alterations to existing building, and alterations of hard standing'*

Several alterations have been made to the application since submission these include:

- Three description changes to reflect the development due to further discussions
- Addendum to supporting statements to try identifying a very special circumstance
- Removal of the subfloor provision following officers' concerns regarding the proposals impact on the Green Belt.
- Reduction to the first floor extension following officers' concerns regarding the proposals impact on the Green Belt.
- The rear extension section has been amended from two storeys, to part single and part two storey and reduced from a 25m to 14m projection during the application

## Relevant Planning History

### Application site

90/04732: ERECTION OF CANOPY OVER PETROL PUMPS – Granted

2015/90897: Erection of shop café and 3 Greenhouses – Withdrawn

2018/92356: Outline application for erection of single storey workshop (B2 General Industrial), formation of associated turning facilities and car parking – Refused

**Note:** The above application was refused due to the development being identified as inappropriate in the Green Belt, having no very special circumstances, and causing material harm to openness.

2023/92677: Erection of illuminated and non-illuminated signs – Granted

### Surrounding Area

Rear of Rockwood Garage, Wakefield Road,

2000/90052: Erection of 6 Polytunnels – Granted

Grange Moor Coachworks

2023/90668: Demolition of existing buildings. Erection and operation of a single building comprising a Sui Generis land use limited to the purpose of storage, assembly, sale and distribution of custom-built computers, laptops and their components as well as any associated development (those being a replacement wind turbine, utility provision, drainage, access, hard and soft landscaping) within the red-line boundary alongside business operations pursuant to the effective administration of the Sui Generis use – Granted

Enforcement history

COMP/12/0255: Alleged unauthorised Development – Breached Regularised

**Representations**

The application was advertised by site notice, press notice and neighbour letters which expired on 10/10/2024.

As a result of the above publicity, one objection was received which raised the following concerns:

- Lack of 'very special circumstances'
- Structure being unsuitable
- Light pollution
- Noise
- Speed limits required for the street

A re-consultation was undertaken during the course of the application following the first description change; this was due to the original description not being reflective of the development on site.

The objection received was in response to the final round of publicity.

No further rounds of publicity were undertaken as the principle of the application remained unchanged and the design alterations were concluded to lessen the proposal's visual prominence.

**Consultation Responses**

K.C. Environmental Health: Conditions required relating to contaminated land.

K.C. Lead Local Flood Authority: No comments.

K.C. Planning Policy: Insufficient information to demonstrate very special circumstances on the grounds of: The need for new employment land, lack of

preferable alternative sites to meet this need and the positive local socio-economic effects of the development. Harm to the Green Belt carries substantial weight. In this instance, harm is caused by reason of inappropriateness and through impact on openness. Harm may also be caused through any other harm not covered in this response. Very special circumstances will not be demonstrated unless the harm is outweighed by the benefits of allowing this proposal.

**Note:** the above comments from K.C. Planning Policy were received 14/12/2023 and pre-date the December 2024 alterations to the National Planning Policy Framework.

K.C. Trees: No conditions required.

The Mining Remediation Authority: Pre-commencement conditions required relating to intrusive investigations and a signed statement that the site has been made safe and stable for the development.

K.C. Highways: Conditions required relating to, parking and deliveries layout, details of surfacing, a swept path analysis for service and delivery vehicles, exit and egress details required in accordance with approved details and parking management along Wakefield Road.

## **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 27<sup>th</sup> February 2019).

The site is within the Green Belt on the Kirklees Local Plan.

## **Kirklees Local Plan**

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 9 – Supporting skilled and flexible communities and workforce
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP26 – Renewable and low carbon energy
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 32 – Landscape
- LP 33 – Trees
- LP 38 – Minerals safeguarding

- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land
- LP 57– The extension, alteration or replacement of existing buildings

## **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

## **Supplementary Planning Guidance**

### **Climate change**

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 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

June 2021 the council approved a Planning Applications Climate Change Guidance document.

## **Assessment**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraph 2 of the National Planning Policy Framework (NPPF).

Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and defines this as the balance of economic, social and environmental elements. Paragraph 10 states that at its heart is a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the Development Plan should be approved without delay, but where the Development Plan is absent, silent or relevant policies are out of date, LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate that development should be restricted.

### ***Development within the Green Belt***

The site is located within the Green Belt. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Within paragraph 143 the NPPF identifies five purposes of the Green Belt:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Notwithstanding the above, paragraphs 154 and 155 of the NPPF identify certain developments that are considered to be not inappropriate within the Green Belt. These are considered in the following sections:

#### *Consideration of paragraph 154*

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant:

- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- (g) Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- (h)(v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)

The proposal would consist of a change of use to the building from a garden centre to a car dealership. Although this would be a material change of use of the site, it would revert the site to its previous use and have limited visual implications, in of itself. As such this element of the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Accordingly, this element of the proposal would be appropriate development within the Green Belt, by virtue of 154(h)(v).

Regarding the other works, consisting of the extension and alteration of the existing building and works within the curtilage, officers consider that the proposal could be considered against either/ both exemption (c) or (g). While (c) directly relates to the extension of a building, in this case the proposal is for various cumulative works (i.e., extensions to the front, side, or rear, alterations to the building, excavations to create a basement and changes to the hard standing) that would effectively redevelop the site. While extensions form a large portion of the works, officers are satisfied that on the whole the proposal as submitted could also be considered a 'partial' redevelopment of previously developed land, bearing in mind 'redevelopment' is not formally defined within the NPPF so as to preclude it being relevant in this case. As such, considered (g) as relevant, an assessment of the proposal's impact on the openness of the Green Belt is required, with the test being whether 'substantial harm' would be caused.

LP57 of the Kirklees Local Plan provides some parameters for what would normally be considered acceptable alterations/extensions to a building within the Green Belt.

Paragraph A of policy LP57 states:

*'In the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building'*

Paragraph C states:

*'The proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of accesses'.*

However, the above should be noted to pre-date the NPPF December 2024 changes, which changed the wording of paragraph 154. This changed the assessment on openness from ensuring development would 'not have a greater impact on openness of the Green Belt than the existing development' to 'the proposed part two storey, part single storey rear projection and understand that this would extend an additional 7.5m beyond the footprint of the existing rear elevation of the building at ground floor level'.

The Planning Practice Guidance (PPG) sets out that "openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.

At present, including the area under the canopy, the building has a footprint of circa 735sqm. The proposal, through the rear extension (inc. demolishing the existing one) and side extension would increase this to circa 930sqm. This represents a circa 25% increase in floor space. It is considered reasonable to include the canopy area in this because it is a substantive structure on the front of the building that makes an impact on openness at present. Furthermore, the proposal would introduce glazed walls under it, which would have a lesser impact on openness than an enclosed, solid walled structure. That is to say, it has an existing impact on openness, and that proposed would not be significantly materially different, so as to be reasonable to consider in the context of openness. Considering this, an increase in footprint of circa 25% is not considered substantial in its own right.

Considering the sqm of the footprint does not, however, acknowledge volume, height, and overall mass which contribute to a buildings impact on openness. The proposal includes introducing a first floor above part of the existing building and part of the rear extension being partly two storeys.

Following amendments to the scheme, the massing of the extensions has been notably reduced. As proposed, the maximum height of the building would not be materially increased and therefore, from the frontage and Wakefield Road, i.e., the principal view of the building, the prominence of the extensions would be limited as they would be behind the ridge of the roof, as existing. From other angles, notably south-boundary along Liley Lane to the northeast of the site, the increase in built massing to the rear of the building

would more evident and, through introducing more built structure, would impact on openness. Nevertheless, the test is whether the impact is 'substantial'. As noted above, the extensions would not extend into undeveloped land and not be materially taller than the existing building. The two-storey element (including first floor extension) would be largely built atop the existing building, confined to the existing footprint. The extension beyond the existing footprint would be principally be single storey, with a low cat-slide roof which keeps the massing limited.

Weighing the above, officers acknowledge that the extensions would have an impact on openness, and reduce it, however, the impact would not amount to substantial harm.

Further to the above, officers also acknowledge that the existing building has an ad hoc design that lacks coherency, through low-quality extensions and alterations over the years. This draws attention to the site and, in itself, may be considered to harm openness. The proposal would result in a coherent and singular design, addressing this matter, and, as is explored below, have benefits from an urban design perspective. Overall, from a Green Belt perspective, this attracts limited weight when considering openness, but is noted for completeness.

In regards to the works within the curtilage of the building, Officers have reviewed historic aerial imaging of the site and understand there has been variations in the utilisation of the site in terms of storage, greenhouses and urban paraphernalia. However, officers consider that this ever-changing extent of usage of the site further highlights the lack of permanence of the objects. These are not permanent structures or features on the site and can easily be removed. While visually disorganised, such paraphernalia ultimately are not structures and would have a lesser impact on openness and character than the proposed substantial and permanent extensions.

In effect, the outside surfaced areas of the site have been used for the storage of various vehicles for sale (alongside parking for staff / visitors) for a prolonged period. The proposed would not materially change this arrangement. Furthermore, as cars are for sale, the site's boundary treatment at circa 1.8m is high enough to screen most views into the site so as to limit the prominence of the vehicles and other paraphernalia when viewed from outside the site.

Concluding on the above assessment, the proposal is deemed to represent a re-development of the site that would not cause substantial harm to the openness of the Green Belt. As such, the proposals are deemed to meet the criteria for exemption under paragraph 154(g) of the National Planning Policy Framework

*Consideration of paragraph 155*

The proposal has been identified as appropriate development within the Green Belt by virtue of paragraph 154(g). Nevertheless, for completeness, consideration is also given to paragraph 155 of the NPPF.

Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan
- b. There is a demonstrable unmet need for the type of development proposed
- c. The development would be in a sustainable location.
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

The first requirement, as part of 155(a) is to establish whether the site is grey belt land. Grey belt land is defined in the NPPF as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. This excludes land where the application of the policies relating to the areas or assets in footnote 7 would provide a strong reason for refusing or restricting development.

The site (comprising the building and its curtilage) is previously developed land (aka brownfield land) per the NPPF's definition. Regarding the relevant purposes of the Green Belt, these are:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to preserve the setting and special character of historic towns; and

Officers consider that the site, as defined by the red-line boundary, does not strongly contribute to any of the above. For a) and b), the site is small scale, already developed, and there are large areas of open greenfield land preventing concerns of sprawl, and would not materially result in the merging of towns. For d), the site is not considered part of a historic town. Finally, no exemption identified by footnote 7 is considered relevant to this proposal.

In light of the above, the site is concluded to be Grey Belt land, therefore passing the first requirement of paragraph 155(a). The second part of 155(a) requires consider whether the proposal would '*fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*'. In considering this, purposes c) and e) of paragraph 143's five purposes of the Green Belt are relevant.

As noted previously, the site is previously developed land. The extensions would not encroach into undeveloped land and as such not conflict with purpose c). The site would retain a strong defensible boundary to adjacent

open land. In regards to e), given the site is previously developed land should this development take place elsewhere the site would remain previously developed, potentially leaving the site vacant. In light of these considerations, officers are satisfied that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt. Accordingly, the development passes the test of 155(a).

Progressing to 155(b), this requires that '*there is a demonstrable unmet need for the type of development proposed*'. The applicant has provided no definitive details on this matter. In the view of officers, based on the details provided, the applicant has failed to demonstrate that there is an unmet need, either locally or nationally, for car dealerships which warrants, or necessitates, this development within the Green Belt.

As part of their VSC submission, considered further below, the applicant has considered alternative locations for the proposal. This included several alternative, existing, garage sites. While these were discounted due to operator specific requirements, it is contrary to the view that there is an unmet need, nor do officers consider the submitted details to pass the high-bar test of amounting to 'demonstrable' unmet need.

Given that the applicant has failed to demonstrate compliance with 155(b), the proposal cannot be considered appropriate development in compliance with 155. Nevertheless, for completeness, consideration is still given to the remaining tests.

Section 155(c) requires that '*the development would be in a sustainable location*'. The site is on a main A road, on a bus route, and an existing development. Therefore the location is considered sustainable.

Regarding 155(d), commercial developments are not subject to the 'golden rules'.

In summary, officers have reviewed the application in the context of paragraph 155 of the NPPF and consider that, although the proposal would accord with paragraph 155(a) and (c) of the NPPF, it is not considered that there is an 'unmet need' for additional car garages within the district and in turn, the proposal would represent inappropriate development within the Green Belt.

### *Green Belt, summary*

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, unless the development meets an exemption set out in paragraphs 154 or 155 of the NPPF.

In this case, the proposed development is considered to meet the exemption of paragraph 154(g). The relevant test for paragraph 154(g) is whether the proposed re-development of the site would cause 'substantial harm' to openness. Overall, per the assessment given above, officers are satisfied that

the proposed development would not cause 'substantial harm' to openness. The application is therefore not inappropriate development in the Green Belt, and Very Special Circumstances need not be applied.

The principle of the proposed development within the Green Belt is found to be acceptable.

### *Climate Change and sustainable development*

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions

In terms of location, while the site is in a semi-rural location, it is brownfield land and the proposal is seeking to extend an existing building. This is welcomed, and beneficial to seeking to erect a new structure, on potentially brownfield land. It also represents an opportunity to enhance the existing buildings fabric, in regards to climate resilience.

The application is supported by a Climate Change Statement which details potential measures that could be employed at the site to promote sustainable development. The statement is structured under a number of themes and summarises how the sustainability aspirations may be delivered by a series of strategies to address key environmental, social and economic issues. This includes the use of low energy lighting, seeking to maximise thermal insulation, and seeking to use recyclable materials.

The above measures are welcomed in principle, and demonstrate that the development may assist in proposal contributing towards both local and national climate change and sustainability objectives. However, the details are understood to be indicative. Therefore, a condition requiring details of final measures when the buildings detailed design has been progressed, are recommended. Subject to this condition, the proposal is deemed to comply with the aims and objectives of Local Plan Policies LP1 and LP24 and guidance in the NPPF.

### **Urban Design**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

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...”*

As the site is located within the Green Belt, officers consider policy LP57 of the Kirklees Local Plan to be relevant in this instance. Policy LP57 states that the original building should remain the dominant element in terms of size and overall appearance.

Buildings in the area include traditional residential buildings, predominantly faced in stone, and larger modern commercial buildings. The application site is closer to residential properties than the larger warehouses to the north-east, but by virtue of its location and separation from the dwellings (across Wakefield Road) it is not closely visually tied to the dwelling.

At present, the building is considered of limited visual amenity value. As a former petrol station, it has a utilitarian design that has been ad-hoc added to over an extended period of time. While not overly prominent in the streetscene, the site is considered to offer limited value to the character or setting of the area.

The proposed development would result in a singular design of the site with that proposed being considered suitably high quality and attractive. While contemporary in appearance and not reflecting the traditional dwellings opposite, this would not deviate from the site's existing characteristics nor would it be unusual for a car sales building. The design proposed, comprising the alterations to the existing building and extensions, is considered neat and coherent, while the building as extended would be commensurate in scale to the site and surrounding development from an urban design perspective. The proposals impact on the openness of the Green Belt have been considered previously in this assessment.

The use of contemporary cladding as the primary facing material is not opposed in principle, subject to suitably high-quality products being utilised. A condition requiring samples and details of the materials to be used is recommended. Glazing panels to the frontage, under the canopy would produce a softer frontage that is engaging to view.

In terms of external works, the existing hard surfaced area is to be retained as a car park and for the display of vehicles for sale, although it is understood to be formally laid out. This does not raise concerns although a condition is recommended for final details of the layout, for highway reasons (detailed below).

No details of new boundary treatments are proposed and it is presumed the existing boundary treatment is to be retained. If other works are proposed,

these would either be required to adhere to Permitted Development limitations, or require a separate planning permission.

In summary, the proposed building is considered suitably high quality and, while not directly reflecting local character, would not harm local character nor appear incongruous, giving the factors discussed (principally the existing design of the building). Accordingly, the development is considered to adhere to the aims and objectives of Policy LP24, subject to the recommended condition.

### **Residential Amenity**

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, The National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show 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 or have unacceptable impacts on the environment.

Residential properties are located to the south of the site, across Wakefield Road, and to the west, across the adjacent car park. Due to its dimensions and location in relation to these neighbouring residential properties, the proposed extensions and alterations raise no significant concerns in relation to natural light, privacy and overshadowing impacts

In terms of noise pollution, within the application form, it is outlined that the intended hours of operation for the premises would be:

- Monday-Friday: 8:00-18:00
- Saturday: 8:00-18:00
- Sundays & Bank Holidays: 8:00-18:00

These details have been reviewed by KC Environmental Health and no further comments have been made. Given the site's use as car sales is not expected to be a significant noise pollutant, that there are no residential properties immediately adjacent to the site, with the nearest being across the busy Wakefield Road, and that the site's limited workshop space is to the rear and further removed from dwellings, a condition limiting hours of use is not considered necessary in this case.

A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The

necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP.

The proposed development is not expected to result in other material sources of pollution that could prejudice the amenity of nearby residents. Accordingly, the proposed is considered to adhere to the requirements of Policy LP24 and LP52 of the Kirklees Local Plan.

### **Impact to the Highway Network**

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

First considering traffic generation, the site is noted to have had a previous use. As proposed, in the peak hour (1600-1700), the site is expected to generate 36 peak movements (two-way). It is not considered that this level trips would have a severe impact on the operation or efficiency of the local highway network. In terms of accidents, K.C. Highways have confirmed that there are no collisions recorded in the vicinity of the access in the last 5 years, and go on to comment that:

we must assume that it has been operating safely and we do not consider that the proposals will alter this even though there will be an intensification of use of the access

Accordingly, the traffic generation associated with the proposal is not expected to materially affect the safe operation of the local highway network (including nearby junctions).

For the points of access, the site currently has a one-way circulatory system with the eastern access marked as the entrance and the western access marked as the exit, although it is noted that there are right turn lane markings in to both accesses. This is proposed to be retained largely as existing, although is intended that the on one-way system is to be reversed. This raises no concerns and, as noted above, the accesses are considered to operate safely as existing.

In terms of parking, the site is shown to indicatively provide circa 60 parking spaces. Based on TRICs data analysis, the development (based on the GIA of the building, as extended) is expected to require 13 parking spaces for staff and visitors. This can comfortably be accommodated within the 60 to be provided, with any spare being for the display for vehicles for sale, although as noted the car parking layout plan is considered to be indicative. It does not

delineate between staff, visitor, and spaces for display. A condition is therefore recommended requiring a detailed car parking layout plan, to include specific layout of parking bays and to ensure the provision of a minimum of 13 for visitors and staff.

In terms of other vehicles, concerns have been raised by KC Highways relating to deliveries and servicing. Due to the site being located on a high speed classified road, it is necessary that servicing / deliveries take place within the site. While there are no fundamental reasons why details of off-street deliveries and loading cannot take place within the site, a condition requiring details of such arrangements (including swept path analysis), to show that large deliveries can enter and exit the site in a forward-facing gear, is recommended.

Further to the above, there are concerns that the proposal may lead to parking on Wakefield Road. Wakefield Road is subject to a 50mph speed limit, and therefore any parking in front of the site within the carriageway (including partly on the kerb) is expected to harm the safe and effective operation of the highway. In order to prevent the proposal having implications of the highway network, it is considered that the applicant would need to detail measures to manage parking on A642 Wakefield Road, in the vicinity of the proposal site and all associated works, together with appropriate Safety Audits. It is suggested that this is conducted via a TRO relating to the introduction of a no waiting at any time/no loading along the frontage of the site, to be secured via condition, relating to the management of parking along Wakefield Road.

Regarding traffic during the construction period, given the scale and nature of the development officers recommend a Construction Management Plan (CMP) be secured via condition (this is typically combined with the Construction Environmental Management Plan (CEMP)). This is to ensure the development would not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.

In view of the above and subject to the imposition of the aforementioned conditions, it is considered that, the proposal would be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

### **Ecology**

Policy LP30 of the Kirklees Local Plan states that the council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

The site is brownfield land, the vast majority of which is hard surfaced and it not within the designated Habitat Network (although land adjacent to the site

is), nor other relevant ecologically protected zone. Therefore, the site is deemed to be of limited wider ecological value and a dedicated Ecological Impact Assessment was not considered necessary to support the application. Conversely, the site does fall within the identified Bat Alert layer and, given the state of the building, was concluded to have potential to host roosting bats. Therefore, a Bat Roost Suitability Assessment has been undertaken and reviewed by officers and K.C. Ecology.

The survey identifies that based on the features present, the buildings are assessed providing features ranging from no/ negligible roost suitability to low suitability. The report concludes that:

In line with best practice guidelines (Bat Conservation Trust, 2023), further survey should be carried out on Buildings A, C and D to establish if potential roost features are being used by bats.

Given the findings suggest bat occupation is unlikely, although it cannot be ruled out, on balance the use of a condition requiring the outstanding survey work, is considered appropriate. This would need to be prior to development commencing, and be supported by a mitigation method statement. This will ensure that, should protected bats be found on the site, suitable measures for their removal (relocation) and mitigation for any harm caused will be provided for. K.C. Ecology also note that European Protected Species (EPS) licence may be required if bats are found, and suggest that this be secured via condition. Planning conditions should not replicate other legislation, and therefore this cannot be secured via condition, although an advisory note of this requirement may be included. There is however no suggestion that the licence would not be granted, if so required.

Further to the above, given that sales forecourts often include outdoor lighting, a condition for an external lighting strategy, to ensure no harm through poorly designed lighting, is recommended.

This application pre-dates the mandatory 10% Biodiversity Net Gain imposed by the Environment Act 2021. Nevertheless, policy LP33 of the Kirklees Local Plan requires that a development secures Biodiversity Net Gain. However, given the site is entirely hard surfaced (or any habitat on site would fall below 25sqm (an exemption requirement for the mandatory 10% Biodiversity Net Gain)), the existing habitat value of the site would be negligible. It is therefore not considered necessary or necessary to seek a 10% ecological net gain in this case.

Notwithstanding the above, opportunities to provide enhancements for local ecology should still be sought. Officers consider that it would be appropriate to condition the installation of a bat box into the resultant structure to provide enhancement opportunities on site.

Subject to the recommended conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan

## **Other matters**

### *Air Quality*

Policy LP51 of the seeks to ensure developments protect and improve local air quality.

The application site is not within an Air Quality Management Area nor near to any roads of concern. Furthermore, the scale of the development is not expected to generate material levels of air pollution.

Given the above, the proposal is not anticipated to cause material harm to local air quality which requires a financial contribution. However, on-site mitigation is required, including the provision of EV charging for all dedicated parking, a travel plan promoting alternative mode of travel, and dust mitigation during the construction phase, each of which may be secured via condition.

Subject to the recommended conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

### *Contaminated land*

Officers have discussed the application with KC Environmental Heath, and it is considered that due to the sites previous uses and its potential to contain contaminated land a phase one report would be required. Environmental Health have therefore requested that contaminated land conditions are included on the application<sup>1</sup>.

Subject to the imposition of such conditions it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework relating to contaminated land.

### *Coal legacy*

The application site resides within an area of high risk for previous coal activity. As a result, a Coal Mining Risk Assessment has been provided in support of the application, which has been reviewed by the Mining Remediation Authority (MRA).

The contents of this have been reviewed by The Coal Authority and generally accepted. However, as no intrusive investigations have been conducted prior

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<sup>1</sup> A phase one report was provided in support of this application, however, it was not relevant to the application site as the details were for a neighbouring development. It was therefore discounted from the assessment.

to the submission of this application, planning condition(s) to secure intrusive site investigations, as recommended by 3DVS are requested by the Coal Authority.

The MRA accept the findings of the report, and request that the following conditions be imposed:

- A scheme of intrusive investigation be undertaken, with details of remediation required to be provided and approved
- Prior to occupation, validation of the remediation works be provided and approved.

Officers concur with the assessment of the MRA and recommend these conditions be imposed. Subject to the imposition of such conditions it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework relating to contaminated land.

### *Drainage*

Policy LP27 seeks to ensure development does not result in an increase in flood risk, which LP28 relating to ensuring appropriate surface water drainage arrangements are in place.

The council's Lead Local Flood Authority (LLFA) has been consulted as part of the application. They advise that, as the site is, as existing, entirely hard standing, the proposal would not materially change / increase the drainage area. As such, the proposal would not increase flood risk and the LLFA offer no objection, with no conditions recommended.

Officers support this assessment, and are satisfied that the development adheres to the aims and objectives of policies LP27 and LP28.

### **Representations**

One objection was received in response to the publicity of the application. This raised the following points:

- Lack of 'very special circumstances'

**Response:** The application has been reviewed, and the principle of the development has been assessed above. It is considered that the proposal complies with paragraph 154(g) and is therefore appropriate development within the Green Belt.

- Structure being unsuitable

**Response:** The matters of how the proposal would be constructed are not within the remit of planning and would be monitored as part of building control.

- Light pollution

**Response:** The site is located within a Bat Alert layer on the councils GIS system and as a result, further conditions would be required relating to details provided for lighting.

- Noise

**Response:** The site has previously been used as a car garage and the application has been reviewed by KC Environmental Health. No further conditions have been deemed necessary at this time.

- Speed limits required for the street

**Response:** This is not considered reasonable or necessary to make the development acceptable. As noted within the highway section, no recorded accidents in the vicinity of the site have been identified or attributed to the existing points of access, which are not to be materially changed.

### **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 development would constitute sustainable development and is therefore recommended for approval.

**Recommendation:** APPROVE

**Report Dated:** 05/08/2025

**Decision Authorisation:** Delegated Powers

**Application Number:** 2023/92129

**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, LP3, LP7, LP8, LP21, LP22, LP24, LP30, 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.

Prior to development commencing

3. Prior to development commencing, an up-to-date bat emergency survey and mitigation method statement, further to the recommendations contained within the Bat Roost Suitability Assessment ref. ER-7129-01 shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include consideration as to whether a European Protected Species (EPS) licence is required to facilitate the development. Thereafter the development shall be undertaken in accordance with the findings and recommendations of the approved documents.

**Reason:** In the interest of ensuring up to date surveys and ecological understanding is available for the site, in the interest of protecting local ecology, and to comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate survey and mitigation works are undertaken before potential impacts take place.

**Note:** Should bats or their roosts be identified on site, notwithstanding the provisions of condition 3, be aware that bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost.

Where a European Protected Species (EPS) licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England,

be granted and all licence conditions be complied with for the works to proceed lawfully.

4. Development shall not commence (including demolition, ground works, vegetation clearance) until a Construction (Environmental) Management Plan (C(E)MP) has been submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- a. Any phasing of development and timetable of all works;
- a. Hours of works;
- b. Details of construction access arrangements;
- c. Construction vehicle sizes and routes;
- d. Numbers and times of construction vehicle movements;
- e. Locations of HGV waiting areas and details of their management;
- f. Parking for construction workers;
- g. Loading and unloading of plant and materials;
- h. Storage of plant and materials;
- i. Signage;
- j. Lighting during construction works;
- k. Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- l. Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- m. Street sweeping;
- n. Measures to control and monitor the emission of dust and dirt during construction;
- o. Site waste management, including details of recycling/disposing of waste resulting from construction works;
- p. Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- q. Artificial lighting used in connection with all construction-related activities and security of the construction site;
- r. Site manager and resident liaison officer contact details, including information of their remit and responsibilities;
- s. Means of engagement undertaken, and means of ongoing engagement proposed, with local residents, occupants and/or their representatives; and
- t. Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to

avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

5. 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:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 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:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local

Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by shallow coal mine workings, 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:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Prior to development commencing, a scheme detailing measures to manage parking on A642 Wakefield Road in the vicinity of the proposal site and all associated works, together with appropriate Safety Audits shall be submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the scheme shall be brought into use until the approve scheme has been implemented.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary mitigation measures are identified and delivered at a suitable time.

#### Prior to specific trigger

11. Prior to superstructure works commencing, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions and/or mitigate climate change associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

**Reason:** To ensure that the proposed development contributes to the council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

12. No external lighting shall be installed on the development until a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been submitted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be

installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and NPPF15.

13. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

#### Prior to occupation

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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

15. Prior to the occupation of the development hereby approved, or prior to the formation of external parking facilities, notwithstanding the submitted information, a scheme detailing arrangements and specification for layout of parking, to include the provision of a minimum 13 spaces for staff and visitor parking (i.e., not for the display of vehicles for sale) and deliveries shall be submitted to and approved in writing by the Local Planning Authority. There shall be no parking of cars, for sale, display, visitor or staff parking, or other use, outside of the areas indicatively shown for parking on plan ref. (100) 09. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

**Reason:** To ensure a suitable access and layout in the interests of highway safety, in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

16. Prior to the hereby approved development being brought into use, a strategy for the provision of electric vehicle recharging points to serve the site's staff and visitor parking spaces pursuant to condition 15 shall be submitted to, and approved in writing by, the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The approved electric vehicle charging points shall be installed and made ready for use prior to the development being brought into use, and shall be retained so thereafter.

**Reason:** In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

17. Prior to the occupation of the development hereby approved, or prior to the formation of external parking facilities, notwithstanding the details shown on the approved plan, a scheme detailing arrangements and specification for service and delivery vehicle access, to include a swept path analysis, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

**Reason:** To ensure a suitable access and layout in the interests of highway safety, in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

18. Prior to the hereby approved development being brought into use, details of the site's ingress and egress signage and lining, to include location and design, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved signage and lining shall be implemented prior to the development being brought into use, and shall be so retained thereafter.

**Reason:** To ensure a suitable access and layout in the interests of highway safety, in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

19. Prior to the hereby approved development being brought into use, details of the provision of two bat boxes within the site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the location (and height) and specification of the proposed bat boxes. The bat boxes so approved shall be installed before the development is brought into use, and they shall thereafter be retained.

**Reason:** In accordance with Policy LP30 of the Kirklees Local Plan and the interests of the biodiversity of the site, in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

20. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, approved pursuant to condition 7 or 8, 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 (that part of) 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. 189 and 190 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:** 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:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone 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:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays

- With no working Sundays or Public Holidays

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

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	LOC		18/07/2023
Existing Floor Plans	(100) 01		04/10/2024
Existing Elevations	(100) 02		04/10/2024
Grouped Plans and Elevations	(100) 03		04/10/2024
Proposed Floor Plans	(100) 04	Rev. C	26/06/2025
Proposed Elevations	(100) 05	Rev. A	26/06/2025
Proposed Site Sections	(100) 06	Rev. A	26/06/2025
Grouped Plans and Elevations	(100) 07	Rev. B	26/06/2025
Proposed Block Plan	(100) 09		01/07/2025
Supporting Information	Planning Statement		18/07/2023
Supporting Information	Planning Statement (addendum)		11/04/2024
Supporting Information	Planning Statement (addendum 2)		15/07/2024
Supporting Information	Climate Change Statement		25/07/2023
Supporting Information	Mining Risk Assessment		04/09/2023
Supporting Information	Bat Roost Suitability Assessment		23/10/2023

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.

Several requests for information were made during the course of the application; however, insufficient and incomplete information was provided. As a result, the application was progressed to determination.

