

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:	2023/62/92278/E
Site Address:	507A, Bradford Road, Batley, WF17 8LL
Description:	Formation of two additional floors and creation of six trade counter units (Use B8) within existing building and external alterations to existing brick clad portal framed industrial unit (within a Conservation Area)
Recommending Officer:	Ellie Thornhill

DECISION – Conditional Full 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.

Victor Grayson

AUTHORISED OFFICER

Date: 19/09/2024

Officer report

Site description

The application relates to 507A Bradford Road, Batley, WF17 8LL, an existing commercial building constructed from brick with a profiled metal cladded roof. Design features include a dual pitched roof and a flat roof addition to the northwestern elevation. The building's northeastern elevation fronts onto Bradford Road, with access taken from the east of the building. Surrounding the site is hardstanding and on-site parking.

The site is situated within a predominantly commercial area and falls within the Carlinghow Mills complex. The site is also situated within Cross Bank Conservation Area in the Kirklees Local Plan.

Description of development

The application seeks planning permission for the erection of two additional floors to create six counter trade units (B8) within the existing building. External alterations include the re-clad of the building and the installation of new windows and doors.

There would be no change to the footprint or height of the existing building. Instead, it would be subdivided internally into six units and split over three floors.

The internal floor space for each unit would vary between approximately 245sqm and 325sqm.

The ground floors would include the trade counter and store, the first floors would include a store and staff area including WC facilities and the second floors would include a meeting/office space with additional WC facilities.

The hours of use would be:

- 07:00 hours to 22:00 hours Mondays to Saturday
- 10:00 hours to 16:00 hours Sunday

14 new customer parking spaces would be provided in the existing internal forecourt.

History of negotiations received

Officers have entered into discussions with the agent regarding the requirement of additional drainage and ecology information. These documents have been submitted and therefore a thorough assessment of the scheme has been undertaken. The agent has also confirmed in writing, the proposed hours of use for the units.

Relevant Planning History

At the application site:

2021/21180 Pre application for creation of six trade counter units within existing building – Advice given regarding the planning submission documents required.

Surrounding properties:

2019/90716 Erection of single storey industrial unit (within a Conservation Area) – Granted (Carlinghow Mills, Unit 41a, 501 Bradford Road, Batley, WF17 8LL).

2018/91340 Change of use from vacant storage to (D1) dance studio (within a Conservation Area) – Granted (Suite A, Fountain Mills, 503 Bradford Road).

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 21/11/2023.

As a result of the above publicity, no representations have been received.

Ward councillor comments

Ward councillors have been notified of this application, however, no comments have been received.

Consultation responses

KC Ecology: No objection is raised to the application, subject to a condition regarding the installation of two integral swift boxes being attached to the decision notice.

KC Highways Development Management: The proposal is considered acceptable subject to conditions regarding the provision of turning facilities and the new car parking area to be laid in a permeable surface.

KC Environmental Health: No objection subject to conditions regarding noise and unexpected land contamination being attached to the decision notice.

KC Lead Local Flood Authority: No objection subject to a drainage condition being attached to the decision notice.

KC Waste Strategy: As long as there is provision for secure waste storage and collection, then the location and distance is not an issue. As commercial waste is collected privately.

KC Conservation and Design (informal): The alterations proposed would result in a marginal improvement from the original building and would not have a detrimental impact on the character or setting of the conservation area.

KC Landscape: No comments received.

West Yorkshire Police Designing Out Crime Officer: The Design and Access Statement includes security measures for the building. As such, I have no further comments to make.

The Environment Agency: No objection to the proposal. Informative comments have also been provided.

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 27/02/2019).

The application site is located within Cross Bank Batley Conservation Area.

LP1 – Presumption in favour of Sustainable Development

LP2 – Place Shaping

LP9 – Supporting Skilled and Flexible Communities and Workforces

LP20 – Sustainable Travel

LP21 – Highways and Access

LP22 – Parking

LP24 – Design

LP28 – Drainage

LP30 – Biodiversity and Geodiversity

LP35 – Historic Environment

LP43 – Waste Management

LP51 – Protection and Improvement of Local Air Quality

LP52 – Protection and Improvement of Environmental Air Quality

LP53 – Contaminated and Unstable Land

Supplementary Planning Guidance/Documents:

Highways Design Guide SPD

West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Planning Applications Climate Change Guidance (2021)

Biodiversity Net Gain Technical Advice Note (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 19/12/2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

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

The following matters are considered in the assessment below:

1. Principle of development
2. Urban design
3. Impact on residential amenity
4. Impact on highways

5. Other matters
6. Representations
7. Conclusions

1. Principle of development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are interdependent. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

The site is unallocated, other than being situated within Cross Bank Batley Conservation Area.

As such Policy LP7 is relevant which outlines the following criteria when seeking to establish the 'effective and efficient use of land and buildings':

"To ensure the best use of land and buildings, proposals:

- a. Should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;*
- b. Should encourage the reuse and adaption of vacant and underused properties;*
- c. Should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;*
- d. Will allow for access to adjoining undeveloped land so it may subsequently be developed".*

This also echoed within Chapter 11 of the NPPF.

In this case, the development is seeking to re-configure an existing under-used building by subdividing it to create six counter trade units. As such, the principle can be supported subject to a review of all material planning considerations below.

Main town centre uses

The application site is not located within a main town centre and would create trader units for the selling of goods. However, officers have noted that the application seeks permission for a B8 use, with the sales areas being minimal when compared to the existing floorspace, and with there being no direct access to the store for visitors. For these reasons, officers are satisfied that

the development would not be a primary retail use, and therefore does not need to be assessed further against Policy LP13 of the Kirklees Local Plan.

To ensure that the end users would remain in a B8 use class, officers are proposing a condition to be attached to the decision notice to state that no more than 10% of the gross floorspace of any B8 use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), operating within the site shall be used for the sale and display of goods.

2. Urban design issues

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

The overall size and scale of the building would remain as existing, as the alterations proposed would be internal to create the two additional floors, which would then be subdivided into six trade units.

In respect of design and materials, the submitted plans show elevational changes. To the northern street scene elevation, a glazed curtain wall is proposed. Whilst this would be more visually prominent, it would offer a marginal improvement to the current appearance of the building. To the southern (rear) elevation, more subtle changes are proposed, including the re-clad of the building, the installation of doors and a row of glazing to each floor. To the western and eastern elevations, the existing brickwork would be overclad to match the wider building and the openings on the eastern elevation would be infilled. The roof would be replaced with a colour coated fascia pressing with profile.

Within the site itself, 14 additional car parking spaces are proposed on the existing area of hardstanding, with a designated service yard area to the rear of the building.

The visual appearance of the altered building would be acceptable. The proposed development would involve the refurbishment of a currently under-used building within a predominantly commercial area of Bradford Road. The

overall size and scale of the building would remain unchanged and therefore, the proposal would successfully integrate with surrounding area.

Historic environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building and Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Paragraph 205 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 206 of the NPPF goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Paragraph 207 of the NPPF states that when a proposed development would lead to harm, it is necessary to achieve public benefits that outweigh the harm to the heritage asset.

There are no listed buildings within or immediately adjacent to the application site.

The application site is located within Cross Bank Batley Conservation Area. Therefore, given the extent of the visual changes proposed, the council’s Conservation and Design team have been consulted. The officer has confirmed that the building is not of a traditional design and appears to have been built in the 1980s. Whilst the changes proposed would be visually prominent, the design alterations would offer a marginal improvement upon the original building. Officers have also noted that the glazing would be recessed and therefore would add to the overall finish of the building. As such, the proposal would not have any determinantal impact on the character or setting of the conservation area.

However, officers would wish to see a condition be attached to the decision notice requiring full details of the materials and curtilage wall to be submitted for approval before installation, to ensure the finish is of a high quality.

It is therefore concluded that the proposed development is visually acceptable and would cause less than substantial harm to the conservation area. This harm would be outweighed by the public benefits of the proposal (these include the creation of additional trade units within a prominently commercial area, for a currently underused building). As such the scheme is considered to comply with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Impact on residential amenity

Sections B and C of the Kirklees Local Plan Policy LP24 state that alterations to existing buildings should: *“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’*.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

The site is set within a mill complex (known as Carlinghow Mills), with ARC car wash to the northeast. The nearest residential dwellings are along Westbrook Terrace over 80m from the application site. As such, officers are satisfied that the changes proposed would not result in any undue overbearing, overshadowing or overlooking affecting existing residential properties.

With regard to any potential noise disturbance from intensifying the use of the building, the council's Environmental Health team have been consulted as part of this application.

In this instance, the site lies within an existing commercial/light industrial area facing onto Bradford Road where background noise levels are expected to be elevated. No detail is given of the use of any fixed mechanical plant, and a compliance condition is recommended should this be required.

The applicant has also confirmed that the proposed hours of use would be between 07:00 hours to 22:00 hours Mondays to Saturdays and 10:00 hours to 16:00 hours on Sundays. No objections have been raised to these hours by Environmental Health officers as the site is situated within a predominantly light industrial/commercial area.

Subject to the above conditions, officers are satisfied that the proposed development would not cause any material harm to the amenity of neighbouring residents, in accordance with the aims and objectives of LP24

and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Employment considerations

Given that all the potential end-users are unknown at this stage it is not possible to specify the exact number of jobs that the development would support. However, within the submitted application form, it is outlined that the current building employs two full time and two part time staff, which is likely to be increased as part of this proposal as six trade units are proposed. This is welcomed, and is an aspect of the proposed development that attracts positive weight in the balance of planning considerations.

4. Impact on highway safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal shows the existing building divided into six separate units with a trade counter, store and display areas to the ground floor, store, and staff areas to the first floor and office/meeting room space to the second floor.

The proposed parking areas are shown within the Carlinghow Mills development and to the eastern side of the building. Access to the proposed parking is via the eastern access and servicing is via the western access (as existing). Swept paths are provided to demonstrate that a refuse vehicle can turn within the site.

The applicant has also confirmed that the entrance into the units is to the rear of the building, within the mill complex. The glazing onto Bradford Road would provide a shop window to add interest and to advertise the unit. The door shown simply provides an alternative means of escape for the ground and first floors in the event of fire and would be fitted with panic hardware to the inside only. This is considered acceptable by KC Highway Development Management. The proposal can be supported subject to conditions regarding turning facilities to be provided (in accordance with the details shown on Via Solutions Highways Statement drawing 2301101) and requiring the new car parking spaces to be marked into bays and laid in a permeable surface.

With regard to waste collection, it is noted that the Waste Collection Authority does not have a legal duty to collect commercial and industrial wastes from the proposed premises unless requested to do so.

In this instance, the applicant has confirmed that a 19 yard skip is provided by Kirklees and serves the Carlinghow Mills Offices on Bradford Road, which the application building is approximately 40m away from. This is considered

acceptable from a waste and fire safety perspective and therefore, the development would comply with Policy LP43 of the Kirklees Local Plan.

5. Other matters

Flood risk and drainage

Local Plan Policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is Chapter 14 of the NPPF.

Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is situated within Flood Zone 2. However, the proposal would not result in any additional built form, other than the subdivision of the existing unit internally to create mezzanine levels. As such, the Lead Local Flood Authority (LLFA) have confirmed that a sequential test is not required in this instance, and it is noted that the upper floors would reduce the flood risk by creating safe havens.

With regard to drainage, the LLFA do not require a 30% reduction of surface water discharge for the modification to the existing building. The building may be drained as per existing arrangements.

However, clarification has been requested regarding the current drainage for the parking area and whether there are positive drainage connections to a watercourse or sewer.

The LLFA have reviewed the drainage strategy for the site, which includes crate storage. Whilst officers have concerns regarding the maintenance of crate storage, it is noted that the application is for a commercial site, and this concern is therefore allayed.

Nonetheless, full drainage details are required to ensure that the scheme would not result in surface water flooding. Details of how the drainage is to be managed and maintained are also needed. As such, it is recommended that appropriately worded conditions be attached to the decision notice to ensure that the development accords with Policy LP28 of the Kirklees Local Plan.

Biodiversity

Paragraphs 180, 186, 187 and 188 in Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. In accordance with Policy LP30, development proposals are required to:

- (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;*
- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
- (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
- (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.*

A bat emergence survey report has been submitted with the application which determined that the building at the site contains no roosting bats and therefore it can be concluded that they are likely absent from the site.

In the unlikely event a bat is found on site at any time of year, either prior to or during the scheme, works should cease immediately, and the advice of an appropriately qualified, experienced and licensed ecologist should be sought.

KC Ecology have no objection to the application, subject to a condition being attached to the decision notice to allow for a biodiversity enhancement to the site.

Landscaping

Given the layout of the site within an existing mill complex and the fact that the proposal is seeking to internally alter the building, there is no space available for the provision of landscaping.

Contaminated land

This site has been identified on the council's mapping system as potentially contaminated land due to its previous use as a mill and chemical works (ref 67/5). The submitted external alterations plan (proposed) from jgd dated June 2022 ref 20832(2) shows some additional car parking which is assumed to be on hard standing. As there is no sensitive end use, a condition for encountering unexpected land contamination is recommended.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. There are a total of 18 car parking spaces proposed as shown in the submitted proposed external alterations plan from jgd dated June 2022 ref 20832(2). While the plan shows three EVCPs, no technical detail is given and so a condition requiring charging points with a minimum specification is recommended.

Crime prevention

The West Yorkshire Police Designing Out Crime Officer has been consulted as part of this application. The officer has confirmed that they have no objection to the proposal as acceptable crime prevention measures have been set out within the applicant's Design and Access Statement.

Section 106 agreement

In relation to the proposed development, no mitigation would need to be secured via Section 106 agreement obligations. The recommended conditions would secure the necessary mitigation in this case.

6. Representations

As a result of the above publicity, no representations have been received.

7. Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. In this instance, the proposal seeks to internally re-configure the existing building to create six trade units, within an existing commercial area.

Officers have considered the proposed development's impact on visual amenity, heritage and residential amenity, and it is considered that any potential harm would be suitably mitigated through conditions. Furthermore, the addition of six trade units would not be out of context for the area and no objections have been raised from a highway safety perspective. Other planning issues relating to ecology, drainage and contamination have been assessed and addressed as part of this report.

Overall, the proposal would see the conversion of the existing building, which would provide additional investment into the area and would provide new jobs, which is welcomed.

As such, the scheme accords with the purposes of the Kirklees Local Plan, National Planning Policy Framework and relevant Supplementary Planning Documents. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve subject to conditions

Decision Authorisation: Delegated Powers

Application Number: 2023/92278

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP9, LP20, LP21, LP22, LP24, LP28, LP30, LP35, LP43 LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to their use, samples/details of all the external facing and roofing materials (including the details/finish of the curtain wall) for the building 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 trade units being first brought into use and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of the Cross Bank Batley Conservation Area to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to the commencement of development, a plan detailing the specification, positioning and location of two integral swift box (Vivara pro woodstone swift box or suitable alternative) shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed before development is first brought into use in accordance with the approved details and shall be retained thereafter.

Reason: To provide an enhancement to biodiversity in line with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Prior to the development being brought into use, turning facilities shall be provided in accordance with the details shown plan ref 2301101 (swept path analysis by Via Solutions). The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

6. Prior to the development being brought into use, the proposed car park hereby approved shall be laid out, surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

7. The approved vehicle parking areas and areas to be used by pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13/05/2009 (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, to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Groundworks 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 Chapter 15 of the National Planning Policy Framework.

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

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours), Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The approved dedicated facilities for charging electric vehicles shall be installed prior to first occupation of the trade units hereby approved, and shall be maintained and 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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

11. The six trade units (B8 use) hereby permitted shall not be open to customers outside the hours of:

- 07:00 hours to 22:00 hours Mondays to Saturday
- 10:00 hours to 16:00 hours Sunday

And there shall be no deliveries to, or dispatches from the premises outside these hours.

Reason: To ensure that the proposed use does not give rise to 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.

12. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, (including an allowable discharge rate of 5.0 l/s for surface water, calculations demonstrating there is no surface water flooding for the critical 1 in 100 plus climate change rainfall event, attenuation construction details /design plans and cross sections) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for the maintenance and management of surface water infrastructure including access to and into the attenuation structure. The method statement shall consist of an itinerary of maintenance tasks with schedules. None of the trade units shall be occupied until such approved drainage scheme has been provided on the site to serve the development and retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental wellbeing, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

13. No more than 10% of the gross floorspace of any B8 use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), operating within the site shall be used for the sale and display of goods.

Reason: In the interests of preserving the viability and vitality of nearby main town centres, in light of the specific assessment undertaken to justify the proposed use, and in accordance with Policy LP13 of the Kirklees Local Plan.

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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

NOTE: 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: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours), Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan and existing site and elevations	(20832)1_Scheme as existing	-	19/09/2023
Proposed site plan, floor plans and elevations	(20832)2_Scheme as proposed	B	19/09/2023
Climate change statement	-	-	19/09/2023
Planning statement	20832	-	19/09/2023
Highway Statement including Swept path analysis	2301101	-	19/09/2023
Flood Risk Assessment	23/003/01	00	19/09/2023
Drainage statement	8101R001	-	19/09/2023
Bat Roost Survey	20127/AD	-	19/09/2023
Bat Emergence Survey	20127a/AWe	-	14/02/2024

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 Planning 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. In this instance, officers have entered into discussions with the agent regarding the requirement of additional drainage and ecology information. These documents have been submitted and therefore a thorough assessment of the scheme has been undertaken. The agent has also confirmed in writing the proposed hours of use for the units.

Report dated: 19/09/2024.