

**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:	2024/62/91053/W
Site Address:	Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB
Description:	Demolition of existing concrete plant and installation of replacement concrete plant with associated alterations
Recommending Officer:	Katie Chew

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-JUL-2024

Officer Report

Site Description

Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB

The application site relates to a relatively flat, irregularly shaped piece of land which is currently in use for industrial purposes. The site is located adjacent to Red Doles Industrial Estate amongst several commercial and industrial units, located to the north and east. The site is bound by Huddersfield Broad Canal to the west, with a sports facility located to the south. The site comprises of several buildings and structures related to the business all of which are located on a layer of hardstanding which makes up the majority of the site.

The application site is not located within a Conservation Area but is located in close proximity to a Grade II Listed lock.

Description of Proposal

The application seeks planning permission for the demolition of existing concrete plant and installation of replacement concrete plant with associated alterations.

The application seeks to demolish the existing concrete plant and replace this with a new concrete plant. The new concrete plant is to utilise the site's existing infrastructure in connection with the continued B2 – General industrial use and is to be located to the west of the existing concrete plant.

The proposed concrete plant is to measure approximately 50m in length with the provision of 5 no. new silos measuring around 16.1m in height. This is to be approximately 8m shorter than the existing silos which measures around 20m in height. The proposed plant would also be 10.3m shorter than the existing plant which measures approximately 24.1m in height.

The proposed plant and conveyors are to be metal clad to help assist in the reduction of dust and noise emissions.

History of negotiations/amendments received

Following receipt of comments from The Coal Authority, A Coal Mining Risk Assessment was requested and provided by the applicant's agent.

Relevant Planning History

89/05953 – Installation of foul sewer. Approved 12th January 1990.

Consultation Responses

The Environment Agency – No comments have been received within the statutory timescales.

KC Environmental Health – Comments received 3rd June 2024. No objections subject to conditions and informatives relating to noise, contaminated land, air quality/dust, environmental permitting, electric vehicle charging points and hours of construction.

Officer note: Following discussions with the applicant's agent, it was requested that both conditions 3 and 9 be reworded slightly to allow some development on the site without first needing to submit a Dust Management Plan and Noise Report. Whilst Officers were agreeable to the amendment of the wording to condition 3 which now requires details to be provided prior to the development being brought into use, concerns were raised in respect of the rewording of condition 9 given the nature of the condition and that this would incorporate works to demolish the existing plant. Therefore, a Dust Management Plan needs to be provided to the LPA prior to works commencing on site. The applicant provided their agreement to this wording of the conditions.

The Coal Authority – Comments received 16th May 2024. Request the submission of a Coal Mining Risk Assessment.

Officer note: Following receipt of the above comments, the applicant sought to submit a Phase 2 Engineering & Environmental Assessment (25th November 2019, prepared by CoDa Structures). However, the Coal Authority's Planning & Development team does not consider that this adequately addresses the impact of coal mining legacy and therefore maintains their objection to the application.

Officer note: Following receipt of the above comments, the applicant sought to submit a Coal Mining Risk Assessment prepared by ARP Geotechnical Ltd. The Coal Authority welcome the recommendations made within the assessment in respect of the undertaking of intrusive site investigations. The Coal Authority have no objections to the proposals subject to conditions and informatives relating to the submission of a scheme of intrusive site investigations and remediation/mitigation measures to be undertaken, submission of a signed statement or declaration from a suitably competent person confirming that the site is/has been made safe and stable, and notes on shallow coal seams and ground investigations and groundworks.

Parish/Town Council

N/A.

Local Ward Members

None.

Representations

Final publicity date expired on:

Neighbour Letters – Expired 7th June 2024.

No representations have been received to date.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that the application site is located within close proximity to a Grade II Lock to the north-west, this would be in excess of 100m away from the proposed concrete plant, in addition, the concrete plant is to be located within the centre of the site and would be viewed against existing buildings and structures which are of a similar nature. Officers therefore do not consider it necessary to advertise the development by site notice or press notice as the proposals are not considered to impact upon the setting and significance of this adjacent heritage asset for the reasons outlined above.

Planning Policy Background

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

The site is located within Flood Zone 2, Bat Alert Area, Coal Referral Area, Strategic Green Infrastructure Network, and is identified as being potentially contaminated land. It is also important to note that the site is located adjacent to Grade II Listed Lock and a Public Right of Way (HUD/57/10) which runs along the north-eastern boundary of the site.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP52 - Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Highways Design Guide Supplementary Planning Document (2019)
- Kirklees Waste Management Design Guide for New Developments (2020)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1 – Principle of Development:

1.1 – Sustainable Development

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

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

The site is without designation in the Local Plan which means that in principle there is no presumption against development of this type. The development is considered make efficient use of land in a sustainable location which would accord with the aims of Policy LP7, and those of paragraph 85 of the NPPF, in supporting economic growth and productivity.

Consideration must now be given to the developments impact upon the local area, this is assessed below.

2 – Impact on Visual Amenity:

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, heritage assets and landscape...”

c. 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 proposed concrete plant, conveyor and 5 no. silos are to be positioned within the centre of the site, adjacent to a large detached two-storey building, and is to be of a similar layout to the existing concrete plant (albeit slightly smaller in both height and length) which is to be demolished. The building and ancillary structures are to be constructed on land which currently comprises of hardstanding and is partially in the location of the existing concrete plant.

In terms of the structures scale and size, the plant and conveyors as a whole are to measure approximately 50m in length with the provision of 5 no. new silos measuring around 16.1m in height. The proposed plant is to measure

around 13.8m in height. The proposed plant and conveyors are to be metal clad to help assist in the reduction of dust and noise emissions.

The appearance of the concrete plant and ancillary structures is considered to be utilitarian and functional in design, and given the siting, scale and massing of the structures which are to be smaller than the existing concrete plant and would be read against other commercial and industrial units within the immediate vicinity, it is not considered that the proposals would appear visually jarring within this context.

Taking the above assessment into account, the proposals are considered to be acceptable and comply with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on Residential Amenity:

Sections B and C of 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 users.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

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

Given the context of the area, the site is surrounded by other commercial and industrial uses, with the nearest residential properties being located in excess of 100 metres away. Therefore, Officers have no concerns in respect of overlooking, overshadowing or the proposals appearing overbearing in nature on any residential dwellings on this occasion.

Taking into consideration noise and odour pollution at the site, the Council’s Environmental Health (EH) Officers were consulted and noted that whilst the applicant has submitted a data sheet from Liebherr detailing the noise immissions (sic). This was rejected by EH Officers, and a condition is recommended for the submission of a Noise Impact Assessment to determine the noise emissions from the proposed development and the impact they may have on the amenity of neighbouring properties.

In addition to the above, EH requested that the hours of construction are controlled to protect the amenity of neighbouring properties, this has been outlined as a note at the bottom of this report.

Finally, the applicant has sought to submit a Dust Emission Forecast by Liebherr in support of the application. However, the information provided is a technical data sheet which provides an overview of the concrete batching process and therefore EH Officers do not accept the submitted information and recommend a condition for the submission of a Dust Mitigation Plan.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any adjacent neighbouring properties, complying with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. In addition, it is considered that subject to the imposition of conditions and notes relating to construction noise, submission of a noise impact assessment and a dust mitigation plan, the proposals would also accord with LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

4 – Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to 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 application seeks demolition of existing concrete plant and installation of replacement concrete plant at Myers Group Ltd, Barr Street. As the proposals will see no changes in respect of access or parking arrangements and that it is unlikely that the new concrete plant would result in the generation of any additional vehicle movements to and from the site, Officers consider that the proposed scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the NPPF.

5 – Other Matters:

Contaminated Land

With regard to land quality, Chapter 15 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan are relevant and seek to ensure that land quality is maintained as part of new development.

The development site has been identified as being potentially contaminated land (site reference: 42/10, 43/10, 45/10, 47/10, 51/10 and 52/10). A Phase 2 Engineering and Environmental Assessment by CoDa Structures dated 25th November 2019 (ref: 7916 – rev A) has been received in support of the application.

Given the nature of the proposals the Council's Environmental Health Team were consulted, they note the report provided however no preliminary risk assessment has been received in support of this application. EH Officers expect applicants to follow Land Contamination Risk Management (LCRM) guidance to manage the risks from land contamination. LCRM guidance states that you must always start with a preliminary risk assessment. LCRM guidance also states that reports must provide current site information.

For the above reasons, before any groundworks commence, a preliminary risk assessment is necessary. Where potential pollutant linkages are identified, a new intrusive investigation may also be necessary to determine the level of remediation required. This should also address any proposals for the reuse of site-won material and/or imported material. In conclusion, Environmental Health Officers support the application but recommend contaminated land conditions. The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Flood Risk and Drainage

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

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

Paragraph 165 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

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

The applicant has sought to submit a Flood Risk Assessment prepared by Edward Architects. This document outlines that the sequential test has been applied to the proposals and has shown that there are no reasonable available, lower-risk sites to which the development could be steered. The site is classified as 'less vulnerable' and therefore an exception test is not required. In respect of flood resilience measures, the new concrete plant is a prefabricated product subject to limited design alterations, however, the majority of the structure will be elevated with no lower than existing levels, with habitable spaces located within Flood Zone 1.

Officers acknowledge the above assessment and note that the proposals will see the removal of an existing, larger and older concrete plant from the site, and replace this with a smaller and more modern and energy-efficient structure, furthermore, the relevant area is already hard-surfaced and therefore the development is unlikely to give rise to any further water run-off. It is also considered reasonable that the concrete plant be installed in this location given that it is to utilise the site's existing infrastructure in connection with the continued B2 – General industrial use. It is therefore considered that the proposed development would have no material implications for flooding or drainage and does not conflict with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Coal Mining

The application site falls within a High Coal Risk Zone. The application is supported by a Coal Mining Risk Assessment by ARO Geotechnical Ltd which has been reviewed by the Coal Authority. The Coal Authority concurs with the recommendations of the Coal Risk Assessment report; in respect of the undertaking of intrusive site investigations. The Coal Authority therefore have no objections to the proposals subject to conditions and informatives relating to the submission of a scheme of intrusive site investigations and remediation/mitigation measures to be undertaken, submission of a signed statement or declaration from a suitably competent person confirming that the site is/has been made safe and stable, and notes on shallow coal seams and ground investigations and groundworks. This is considered reasonable by the Local Planning Authority to address the Coal Legacy.

Biodiversity

Chapter 15 of the National Planning Policy Framework is 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 required that proposals protect Habitats and Species of Principal Importance.

Whilst the application site is located within a Bat Alert Area, given the nature and type of structures that are to be removed from the site, Officers consider it unlikely that roosting bats would be disturbed during the demolition process. However, should planning permission be granted, an informative will be attached which highlights what to do should roosting bats be found during construction/demolition works.

Within the submitted application forms and planning statement, the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as it is a like for like replacement of a concrete plant reaching the end of its operational life.

Taking the above into consideration, Officers consider the proposals to fall under the de minimis threshold which applies to development that does not impact a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats. As the site wholly consists of hardstanding and will not result in the loss of any habitat at the site, the proposals are considered to be exempt on this occasion and therefore the proposals do not need to provide details in respect of a biodiversity metric.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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 accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, policies LP24(d) and LP51 of the Kirklees Local Plan and the West Yorkshire Low Emission Strategy Planning Guidance which seeks to mitigate against Air Quality harm, the Council's Environmental Health Officers have noted that in an application of this nature, it is expected that facilities for charging electric vehicles and other 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. An advisory note relating to electric vehicle charging points will therefore be imposed, should planning permission be granted.

Within the submitted planning statement the applicant outlines that a new plant would result in more energy efficient operations with machinery built to improve the current standards at the site of which the current concrete plant is nearing the end of its operational life. The modern equipment has also been designed for a more economical method of operations, which would see improvement in noise emissions, dust and air quality. The proposals will help support an existing business and will see a 'like for like' replacement within a site that is wholly finished with hardstanding.

Taking the above into account, and given the nature of the proposals, it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

There are no other matters for consideration.

6 – Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation – Delegated Powers

Application Number: 2024/91053

Officer Recommendation: Approve with conditions.

Conditions & 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.
1. 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, LP21, LP22, LP24, LP27, LP28, LP30, LP31, LP35, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.
2. Prior to the development hereby approved being brought into use, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:
 - a) an assessment of all noise emissions from the proposed development;
 - a) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises;
 - b) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the

proposed development including details of all necessary noise attenuation.

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

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

3. 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 is a pre-commencement condition 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.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 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 is a pre-commencement condition 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.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 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 is a pre-commencement condition 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. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.

Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (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.

8. Prior to works commencing on site, a Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on nearby properties by effectively controlling dust arising from demolition and all associated concrete plant related activities, which should include measures to monitor and record the emissions of dust. A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the demolition/construction and operation of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the NPPF and LP52 of the Local Plan.

9. No above ground development shall commence (excluding the demolition of existing structures) until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

- b) 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 made safe and stable for the development proposed.

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

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and

mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

10. 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: In order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

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 to intentionally 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. Should roosting bats be found contact Natural England.

NOTE: Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property .

NOTE: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*

- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

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

NOTE: The plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should seek advice from Environmental Health, PO Box 1720, Huddersfield, HD1 9EL telephone 01484 221000, or email pollution@kirklees.gov.uk

NOTE: Electric Vehicle Charging Points -

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- 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.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays
- With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	1178-EA-A-P001	B	16 th April 2024
Proposed Site Plan	1178-EA-A-P003	C	16 th April 2024

Existing and Proposed Elevations	1178-EA-A-P004	B	16 th April 2024
Site Survey	SITE.DWG	-	16 th April 2024
Flood Risk Assessment – Supporting Information	1178-FRA01	-	24 th April 2024
Planning Statement – Supporting Information	1178-PS01C	-	16 th April 2024
Phase 2 Engineering & Environmental Assessment – Supporting Information	7916	A	23 rd May 2024
Noise Immission/Dust Emission Forecast – Supporting Information	036-50952	-	22 nd April 2024
Coal Mining Risk Assessment – Supporting Information	-	-	24 th June 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 Authority has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Following receipt of comments from The Coal Authority, A Coal Mining Risk Assessment was requested and provided by the applicant's agent.

Report Dated:

4th July 2024.

