

Kirklees Metropolitan Council
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

Your Ref 2024/91828
Our Ref CRTR-PLAN-2024-42295
Wednesday 14 August 2024

Dear Victor Grayson,

Proposal: Demolition of existing hotel restaurant and erection of additional hotel bedrooms with breakfast room and alterations to the car park and associated works

Location: Premier Inn, St. Andrew's Road, Huddersfield

Waterway: Huddersfield Broad Canal

Thank you for your consultation on the above planning application.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust own and manage the Huddersfield Broad Canal, located to the west of the application site. The waterway also includes Aspley Basin, a grade II listed structure, which lies to the immediate south of the site.

The main issues relevant to the Trust as statutory consultee on this application concern:

- a. Measures to protect the structural integrity of the canal and its associated wash walls;
- b. The impact of the proposals on the character and appearance of the waterway and Aspley Basin
- c. Measures to limit the risk of pollution to the canal during construction; and
- d. Biodiversity Net Gain.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that amendments and suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

Impact on the Structural Integrity of the Canal

The proposals include the construction of a new building, with associated foundations, in close proximity to the waters edge of the canal. In addition, new drainage pipes are also proposed in proximity to the waterway. The following matters should be taken into consideration to ensure that these elements do not result in an increase risks of land slips or other localised collapse of land into the canal.

Canal & River Trust Planning Team

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Loading from the New Building

The proposals seek to construct the new building upon land close to the canal edge. It is important to ensure that development does not result in additional loading onto the canal bank which could, in the worst case scenario, increase the risk of landslips into the waterway. The canal wash wall is not a retaining structure, and should not be relied on to provide long term stability for the site.

In line with the aims of paragraph 180 (part e) and 189 (part a) of the National Planning Policy Framework (NPPF), planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks from land instability. The Planning Practice Guidance (PPG) confirms the important role of the planning system in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public (Paragraph 001; reference ID: 45-001-20190722).

These requirements are further repeated in the adopted Local Plan, where policy LP53 'Contaminated and Unstable Land' requires measures to be undertaken to ensure that risks of land instability are addressed.

We therefore request that the foundation details for the new building are designed to prevent loading onto the canal bank. Details could be reserved through the use of appropriately worded condition(s). Suggested wording is provided below:

"Prior to the commencement of development, details of the foundations of the new building relative to the canal bank should first be submitted to and approved in writing by the Local Planning Authority. Details shall include cross sectional drawings relative to the canal and canal wash wall showing the depth of foundations relative to the canal and calculations as necessary to demonstrate that the structure as designed shall not impose loading onto the canal wash wall".

Reason: To ensure that the final design of the building would not increase the risk of land instability next to the canal. To ensure compliance with the aims of policy LP53 from the adopted Local Plan.

Impact of Construction Works

Works to excavate land for the building and new drainage pipes have the potential to undermine the canal wash wall, which could compromise the stability of this structure. In addition, loading from any construction plant and equipment has the potential to compromise the stability of this structure.

To safeguard the stability of the wash walls, plant and equipment should be appropriately sited away from the canal edge where possible. We also advise that the depth of any excavation works are monitored to reduce the impact on the wash walls.

We request that these details should be included as part of a Construction Management Plan. **Details could be reserved through the use of an appropriately worded pre-commencement condition.**

Impact on the Character and Appearance of the Canal and setting of Grade II listed Aspley Basin

In line with the aims of policy LP24 'Design' from the adopted Local Plan, the form, scale, layout and details the development should seek to respect and enhance the character of the townscape and heritage assets. The site lies next to the grade II listed Aspley Basin, and in line with Policy LP35, efforts should also be undertaken to preserve or enhance the significance of the asset, which includes consideration of the setting of that asset.

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Presently, the existing Public House building provides a dual frontage with sitting areas to outside spaces. Other elevations onto the canal generally have windows offering passive surveillance through views and are engaged with the canal side context.

We do have significant concern that the proposed west elevation would only feature a single fire egress, resulting in less active space and decreased passive surveillance of the canal. This has the potential to lower the quality and prominence of the canal and the basin in this setting.

We request that **amendments are sought to provide a more active frontage to the west**. For example, the re-orientation of rooms (or provision of additional window openings on the west elevation) could significantly enhance the appearance of the building and its relationship with the canalside environment.

Due to its proximity to the basin, hard landscaping specifications such as external paving, walls, railings and lighting could have a significant impact on the setting of the listed asset. We therefore request that these details should be provided prior to the commencement of development. **Details could be secured through the use of appropriately worded condition(s). Details of any bin store and other outside storage areas should also be provided** to ensure that these are sited appropriately so that they will not adversely impact the setting of the canal or basin.

Measures to Protect the Canal from Pollution/Contamination During Demolition and Construction

In accordance with the aims of paragraph 180 (part e) from the NPPF, which seeks to limit the risk of pollution to the water environment, and the aims of Policy LP 54 'Conserving and Enhancing the Water Environment' from the adopted Local Plan Strategies and Policies Document (which seeks to conserve or enhance the water quality of water bodies in the borough) we request that consideration is given to the following:

Construction Management Details

We request that the waterway should be protected from dust, wind blown debris or inadvertent runoff from exposed soils during demolition and development. This should include the formation of solid temporary barriers between the site and the waterway to prevent the potential runoff of exposed soils, stockpiles and fuels from plant, and the use of appropriate fuel storage and the use of spill kits. **Appropriate measures could be identified as part of a Construction Environmental Management Plan (CEMP) secured via the use of appropriately worded condition(s).**

Remediation of Contaminated Land

The site comprises of previously developed land. Taking account of expert advice as necessary, the Local Planning Authority may wish to consider if geoenvironmental investigations are required to identify for any existing on site contamination that could pose a risk to the wider environment. Should this be considered necessary, then we request that any associated report should assess risks to controlled waters. **The provision of Phase I, II and III surveys as required could be reserved via the use of appropriately worded condition(s).**

Biodiversity Net Gain

The mandatory biodiversity net gain (BNG) requirement for development in England came into force from 12 February 2024, which we understand may apply to this application. We note that no information has been published with regards to how the development will approach BNG.

When considering BNG, the [Statutory Biodiversity Metric User Guide](#) (HM Government, 2024) states that the assessment should include adjacent lengths of watercourse in the watercourse module in circumstances where

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the site boundary crosses into the riparian zone. Table 11 of the guide sets out riparian zone widths, which are 10m from the top of each bank of priority watercourses, which would extend into the site boundary. It is the Trust's understanding that, unless exemptions apply, in these circumstances, **developers will need to deliver a minimum 10% net gain in watercourse biodiversity units.** (Development may also affect other habitat types on land owned by the Trust, including, but not limited to, grassland, woodland, scrubland and hedgerows.)

The application is accompanied with a Biodiversity Gain Plan, which does not assess watercourse units. As a result, should the planning authority be of the opinion that BNG in compliance the Environment Act 2021 does apply to this application, then **consideration should be given as to whether an assessment of watercourse units should be included in the supporting documentation.**

Code of Practice

In our capacity as landowner and Navigation Authority, we also wish to raise the following comment.

Due to the Proximity of the proposals to the canal, works on site would likely require compliance with the Trust's Code of Practice. We therefore request that, in the event of a positive determination, the following informative is appended to the decision notice:

"The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 or via email tpwnorth@canalrivertrust.org.uk at in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust"

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Simon Tucker MRTPI
Area Planner

Simon.Tucker@canalrivertrust.org.uk
07885 241223

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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