

**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:	2024/62/91828/W
Site Address:	Premier Inn, St Andrew's Road, Huddersfield, HD1 6SD
Description:	Demolition of existing hotel restaurant and erection of additional hotel bedrooms with breakfast room and alterations to the car park and associated works
Recommending Officer:	Victor Grayson

DECISION – Conditional Full 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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 29/01/2025

Officer Report

Site Description

The submitted application form states that the application site is 0.3 hectares in size. It is located to the east of Huddersfield town centre, between Apsley Basin/Wharf (the body of water at the southern terminus of the Huddersfield Broad Canal) and St Andrew's Road (the B6432).

The application site is relatively level, and is approximately 65m AOD.

Vehicular, pedestrian and cyclist access is available via a site entrance and dropped kerb on St Andrew's Road. Pedestrians and cyclists can access the site via the canal towpath to the west (as could boaters). A stepped bridge also provides pedestrian access from the west, across the canal. Pedestrians and cyclists are currently able to move through the site, between the canal towpath and St Andrew's Road.

The application site currently accommodates a 3-storey block (with 2- and 4-storey elements) in hotel use adjacent to St Andrew's Road, an attached 2-storey block (that includes The Aspley public house/restaurant, which has closed to the public, although it is understood that limited catering is still available to Premier Inn guests), and a detached 2-storey block at the north end of the site, which is also in hotel use. The hard-surfaced courtyard between these blocks accommodates parking spaces, a bin store, and limited soft landscaping. There are trees and other soft landscaping close to the site entrance at St Andrew's Road.

Another parking area (serving the hotel) exists to the west, accessed via the stepped bridge.

The majority of the application site is within the Aspley Local Centre. The nearest part of the Huddersfield Town Centre is approximately 210m away to the west.

The surrounding area includes residential uses (to the northeast at 1 and 3 St Andrew's Road, and in boats moored along the canal/basin/wharf) and office use (the Atkinson Holt building to the west, home to the University of Huddersfield's Estates and Facilities department). Further to the north is a car park and the Turnbridge Working Mens Club. To the east (on the opposite side of St Andrew's Road) are currently-vacant buildings and a yard previously used for council services, and beyond this is the River Colne. To the south is the canal basin, a hard surfaced area, a small single-storey building, Wakefield Road and the Huddersfield Narrow Canal. To the southwest is the University of Huddersfield's main (Queensgate) campus. To the west (on the opposite side of the canal) is a car park and a small building providing facilities for boaters. Further to the northwest is a large Sainsbury's supermarket.

Heritage assets close to the application site include:

- The adjacent basin/wharf/canal (listed as the original terminus of Sir John Ramsden's Canal) – Grade II listed (Historic England reference: 1134350).
- Atkinson Holt building (middle part) – Grade II listed (Historic England reference: 1220248).
- 1-3 St Andrew's Road – Grade II listed (Historic England reference: 1231779).
- Sir John Ramsden Court – Grade II* listed (Historic England reference: 1223867).
- 40-48 Wakefield Road – Grade II listed (Historic England reference: 1267097).
- Other non-designated heritage assets associated with the canal and the area's industrial history.
- 38 and 52 Wakefield Road – Buildings of more recent cultural interest, given their history as music venues.

The nearest part of the Huddersfield Town Centre Conservation Area is approximately 230m away, to the west.

The application site is unallocated in the Local Plan. Land to the east is designated as a Priority Employment Area. The application site and surrounding land is within the Strategic Green Infrastructure Network (River Colne Corridor). The application site is within a wider minerals safeguarding area (sand and gravel, with sandstone and surface coal resource). A proposed arm of the Core Walking and Cycling Network extends along the canal towpath to the north, and through the application site's car park.

The application site is within an Air Quality Management Area (AQMA 9 – Huddersfield Town Centre).

Biodiversity Opportunity Zones (Built-up Areas and Flood Plains) cover all of the application site. The basin/wharf/canal is a Local Wildlife Site and forms part of the Wildlife Habitat Network. Bats and floating water plantain are known to be present in the area. The site is within the Impact Risk Zones of the South Pennine Moors and Dark Peak Sites of Special Scientific Interest.

The application site is partly within a Development High Risk Area, and partly within a Development Low Risk Area, as defined by the Mining Remediation Authority.

Description of Proposal

The applicant proposes the demolition of the existing 2-storey block (that includes The Aspley public house/restaurant), and the erection of a 2-storey block accommodating 28 rooms (mostly hotel rooms, but including a plant room and a linen store). This would have a rectangular footprint (with a forward projection to the south elevation), a hipped roof (with a flat or open element, a gable feature to the south elevation, and a smaller gabled break to the west elevation), and a canopy link connection to the block to the east.

Associated internal alterations are proposed within the adjacent/attached 3-storey block (with 2- and 4-storey elements) adjacent to St Andrew's Road. These include the provision of a breakfast room with 37 covers.

The proposals would result in the number of hotel bedrooms (across the site) increasing by 22 (from an existing 52 to a proposed 74).

The hard-surfaced courtyard surrounded by the retained and proposed blocks would accommodate 34 parking spaces (including four disabled bays), a drop-off area, limited soft landscaping, and a marked route for pedestrians and cyclists moving between St Andrew's Road and the canal towpath.

Taking into account the parking spaces on the west side of the stepped pedestrian bridge, parking provision across the site would increase by 15 spaces (from an existing 90 to a proposed 105).

Relevant Planning History

The existing public house/restaurant and hotel at the application site have been developed in stages. The public house/restaurant (previously Ramsden's Landing, now The Aspley) was built first. Permission was then granted for the hotel accommodation block adjacent to St Andrew's Road. Finally, permission was granted for the conversion and alteration of the detached 2-storey block at the north end of the site.

86/02508 – Planning permission granted 17/07/1986 for erection of public house/restaurant with car park areas and footbridge.

2009/90795 – Planning permission granted 10/06/2009 for erection of a 3-storey 33-bedroom hotel and alterations to car park.

2010/90722 – Planning permission granted 18/08/2010 for change of use and alterations to convert existing store building to provide additional 18 bedrooms.

Various other applications for advertisement consent and minor works have been considered by the council.

Planning Policy and Guidance

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).

In the Local Plan the site is unallocated.

Relevant Local Plan policies include:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP13 – Town Centre uses
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP29 – Management of water bodies
LP30 – Biodiversity and geodiversity
LP31 – Strategic Green Infrastructure Network
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP38 – Minerals safeguarding
LP43 – Waste management hierarchy
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

The National Planning Policy Framework (2024) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters include:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- 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

Since March 2014 Planning Practice Guidance for England has been published online.

Other relevant national guidance:

- National Design Guide (2019)
- National Model Design Code (2021)

Other relevant guidance and documents include:

- Kirklees Tourism Strategy 2022-2025 (2022 draft)
- Social Value Policy (2022)
- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Green Streets Principles (2017)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Highway Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Climate Change Action Plan (2022)
- Biodiversity Net Gain Technical Advice Note (2021)

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.

Pre-application Advice

No pre-application advice was requested or provided.

Application-stage amendments

During the life of the current application, the applicant amended the proposed site plan to show a marked route for pedestrians and cyclists moving between St Andrew's Road and the canal towpath. Further biodiversity information was submitted. The proposed elevations were re-labelled and corrected.

These amendments and further information did not necessitate public reconsultation.

Consultation

The application has been advertised (as a major development affecting the setting of a listed building) via a site notice posted on 06/08/2024, a press notice published on 09/08/2024, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 31/12/2023.

No public responses were received.

The site is within Dalton Ward. Ward members were notified of the proposal, with no comments received.

The points raised by consultees are summarised as follows:

- Lead Local Flood Authority – Support proposals, subject to conditions. Accept proposed surface water discharge rate of 3.0 l/s (outfalling to the Yorkshire Water Combined Sewer in St Andrew's Road) and the proposed method of storing attenuated flows from the new building and associated car parking area. Accept the Proposed Drainage GA and Flood Risk Assessment including the causeway calculations. The developer will need to submit information regarding flood routing during exceedance events (e.g. blockage of surface water drainage, rainfall greater than the design event, etc.) and how surface water drainage during the construction phase would be managed to prevent siltation from washing off-site – conditions recommended.
- KC Environmental Health – Site is potentially contaminated – conditions recommended. Submitted noise assessment considers impacts on student accommodation on Firth Street (and not the nearer residential accommodation on St Andrew's Road), therefore a further assessment should be secured by condition. Electric

vehicle charging points and a Construction Environmental Management Plan should be secured – conditions recommended.

- KC Highways Development Management – Proposals acceptable, subject to condition regarding car park surfacing, marking and drainage. No works to accesses required to support proposals. Given the proposed removal of the restaurant (which is considered to generate the majority of parking demand), the applicant's forecast parking provision is considered to be of an acceptable level.
- KC Highways Structures – No structures conditions necessary.
- KC Transport Strategy – Public access between St Andrew's Road and towpath should be maintained. This is a valuable connection, is well used, and is likely to receive higher patronage once towpath is upgraded.
- KC Conservation and Design – No objection to proposed demolition. No objection to proposed building, subject to condition regarding materials, finishes and pointing, and subject to the construction works being carried out carefully to avoid damage or alteration to the walls of the listed wharf. Proposed building is designed to respect the canal side setting and character, with a front gable facing the basin and reflecting the character of historic canal warehouse buildings in the locality. The proposed materials match those of the existing Premier Inn so that the extension would blend in seamlessly, and the scale of the proposed building is appropriate for the setting. Proposal would slightly enhance the setting of the nearby listed structures.
- KC Waste Strategy – Proposals would not significantly alter waste arisings from the site, and may reduce them. Proposals do not include areas to store waste – details requested. Applicant can use Kirklees Council's waste service or a private contractor. Advice provided regarding waste storage, collection, fire risk, drag distances, and refuse vehicle manoeuvring.
- Yorkshire Water – Flood Risk Assessment is acceptable. No objection to submitted drainage details. Condition should secure compliance with Proposed Drainage GA.
- Canal and River Trust – Requested retention of access off canal towpath and at-grade access through car park. Foundations should be designed to prevent loading on historic canal bank – condition recommended. Construction management should ensure excavation and loading from plant and equipment does not compromise the canal wash wall's stability. West elevation should be redesigned to provide a more active frontage. Details of hard landscaping and bin stores should be secured. Waterway should be protected from dust, debris and run-off. Contamination reports should assess risks to controlled waters. Mandatory biodiversity net gain may apply, and watercourse units should be assessed. Informative recommended regarding Canal and River Trust's Code of Practice.
- Environment Agency – No objection on flood risk grounds. Recommend the use of flood resistance and resilience measures.

Comments provided regarding flood warning and emergency response.

- Coal Authority (now the Mining Remediation Authority) – No objection. Accept applicant's conclusion that there is no risk associated with coal workings beneath the site and that no remedial and/or mitigation measures are needed. Informative recommended.

Assessment

The relevant planning considerations are:

- Land use and principle of development
- Design and heritage
- Highways
- Waste storage and disposal
- Amenity impacts
- Drainage and flood risk
- Trees, landscaping and biodiversity
- Other planning considerations

Land use and principle of development

The Aspley public house/restaurant is not a listed building and is not an Asset of Community Value, however Local Plan policy LP48 states that proposals which involve the loss of valued community facilities (such as public houses) will only be permitted where it can be demonstrated that specified criteria apply. The applicant has not submitted information in response to these criteria, however it is noted that The Aspley public house/restaurant has closed to the public, and that there is adequate alternative provision in the locality which is in an equally or more accessible location. For the avoidance of doubt, in this case officers consider Huddersfield town centre, and the various comparable amenities it offers, to fall within the 'locality' of this site. This is giving due regard to the proximity and convenient accessibility. The restrictions (on the loss of a public house/restaurant at this site) set out in policy LP48 have therefore been addressed, and there is no planning justification for requiring the retention of the existing public house/restaurant use.

In the Local Plan the site is unallocated, and the proposed additional hotel accommodation therefore does not conflict with an intended (allocated) future use of the site. Local Plan policy LP1 states the council will take a positive approach (to development proposals) that reflects the NPPF's presumption in favour of sustainable development. It adds that, where there are no policies relevant to a proposal at the time of making a decision (which is the case here in respect of site allocation), the council will grant permission unless material considerations indicate otherwise.

Hotels fall within the definitions of "employment-generating uses" and "main town centre uses" set out in the glossary of the Local Plan. Most of the

application site – and, crucially, the part of the application site where development is proposed – is within the Aspley Local Centre. Local Plan policy LP13 states that, within Kirklees, main town centre uses shall be located within defined centres (which include the Aspley Local Centre). It adds that main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported. It is considered that the proposed hotel accommodation would meet all of these criteria.

Although policy LP13 goes on to define the role and function of local centres by referring to “top-up shopping and local services, particularly food and drink”, hotel uses are not ruled out. It is also noted that Aspley Local Centre includes a large amount of student accommodation, and is relatively close to Huddersfield Town Centre and the University of Huddersfield’s main (Queensgate) campus – additional hotel accommodation at the application site could therefore facilitate family visits, complement and support businesses within that centre, and complement and support campus-based activities (including those that involve or attract out-of-town visitors, such as the Huddersfield Contemporary Music Festival).

Documents such as the Kirklees Economic Strategy (2019) and the Leeds City Region Strategic Economic Plan (2016) note the importance of tourism, and the need to build the borough’s and region’s visitor economy. The 2022 draft of the Kirklees Tourism Strategy 2022-2025 noted the need to “optimise accommodation capacity and new infrastructure development”.

The majority of the application site is already in hotel use, and this existing use is not known to be problematic in this location. The existing hotel use (and the proposed additional hotel accommodation) is not considered to be incompatible with the surrounding residential, office and other uses. Significant noise is unlikely to be generated by the activities associated with the development (and, in fact, the proposed hotel accommodation is likely to generate less noise than the existing public house/restaurant in respect of noise from customers and glass recycling), and the proposals do not involve the introduction of a new highly-sensitive use that would be adversely effected by the operation of existing nearby businesses or community facilities. The future development of the designated Priority Employment Area to the east is unlikely to be jeopardised by the proposed development.

The proposed creation of a breakfast room (with 37 covers) at ground floor level within the retained block adjacent to St Andrew’s Road is considered acceptable. This use would be ancillary to the hotel use of the block (and, indeed, the wider site), and Local Plan policy LP16 (which concerns food and drink uses and the evening economy) is therefore not considered relevant to this aspect of the proposals. Furthermore, it would be simply replacing (to a lesser extent) the facilities previously provided by The Aspley.

Had The Aspley public house/restaurant remained operational, the proposed development may have resulted in a loss of jobs at the site. However, the

applicant has stated that the number of employees at the site would not change. This is accepted, given that the public house/restaurant has closed to the public, and the additional hotel accommodation would be provided as an extension to the existing, staffed hotel.

The application site is within a wider mineral safeguarding area relating to sand and gravel, with sandstone and SCR (surface coal resource). However, the restriction (on surface development) set out in Local Plan policy LP38 is not applicable in this instance, as the application site is less than 1,000sqm in size and is not within 250m of an existing planning permission for mineral extraction.

Given the above assessment, it is considered that the proposed development is acceptable in land use terms. The principle of development is also considered acceptable.

Design and heritage

Local Plan policies LP24, LP32 and LP35 are relevant, as are chapters 11, 12 and 16 of the National Planning Policy Framework (NPPF).

Policy LP24 states that proposals should promote good design through various means. Policy LP32 states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering particular the appearance of canals and other water features. Policy LP35 states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The application site is prominently located at a corner surrounded on two sides by water, close to where the Huddersfield Broad Canal and the Huddersfield Narrow Canal meet. The absence of buildings to the south and west means the existing public house/restaurant is visible from many vantagepoints along the canal/basin/wharf and its towpaths. Although set away from Wakefield Road, the application site is highly visible from this important thoroughfare. Thousands of people pass the site every day.

The site and its surroundings are also sensitive due to the numerous heritage assets (including Grade II and II* listed buildings, as well as non-designated heritage assets) nearby.

The loss of the existing public house/restaurant is not a concern in design and conservation terms. This 1980s-designed building does not make a significant positive contribution to the visual amenities of the area or to the settings of listed buildings.

The proposed block would be two storeys in height. It would have a rectangular footprint (with a forward projection to the south elevation), and a hipped roof with a flat or open element. A gable feature to the south elevation (including an opening at second floor level), and a smaller gabled break to the west elevation are also proposed. These aspects of the proposed design

would reflect those of existing nearby buildings and/or of historic canalside warehouse buildings, and are considered acceptable.

It is noted that the proposed block would have a smaller footprint than the existing block, although it would be taller. The proposed development would result in an increase in internal floorspace. It is therefore considered that the proposal would make effective use of this previously-developed (brownfield) site.

A canopy link connection to the block to the east is proposed. This would be set well in from the main elevations of the existing and proposed blocks, and no link is proposed at first floor level. The link would therefore not result in the blocks being read as a single mass.

The arrangement of fenestration in the elevations of the proposed block would reflect that of the attached block to the east (that is to be retained), and is considered appropriate. External doors are proposed to four elevations, and this raises no design concerns. The hotel entrance and reception would be retained in their current location, and would not be any more or less legible than currently. The proposed opening at second floor level in the south-facing gable feature would be louvred, and would appropriately match a similar feature of the existing block to the east.

The Canal and River Trust expressed concern that the proposed west elevation lacked windows, which would decrease activated outdoor space and passive surveillance of the canal, and could lower the quality and prominence of the canal and basin. These comments have merit, however given the limited length of the west elevation, the natural surveillance that would be maintained or provided by other existing and proposed elevations, and the otherwise acceptable appearance of the proposed west elevation, amendments have not been sought to address the Canal and River Trust's concerns. This assessment was relayed to the Canal and River Trust on 21/01/2025, and no further objections were raised.

The submitted application form states that materials are "to match existing". The existing materials are listed as stone, timber cladding and slate. Windows would be of uPVC. Natural stone has indeed been used on the existing block (that is to be demolished) and on the attached block (that is to be retained), and its use in the proposed development is considered appropriate, given the site's context which includes several sensitive heritage assets, and given the site's prominence. Timber cladding (to the first floor elevations) and slate (to the roofs) would also be appropriate, although it is noted that artificial versions of these materials may have been used on the attached block that is to be retained. Further consideration of the appropriateness of natural timber and slate (or of artificial materials) would be necessary at conditions stage. The use of uPVC for the proposed windows is considered acceptable in this location, although timber would have been preferable.

On 21/01/2025 the applicant submitted corrected proposed elevations, with photovoltaic arrays now shown on the south-facing roofslope (either side of

the proposed gable feature). This installation is considered acceptable, and it is noted that there are already photovoltaic panels nearby on the south-facing (and road-facing) roofslope of the single-storey wharf building to the south of the application site.

No signage is shown on the proposed elevations, and no signage would be approved under this application for full planning permission. Separate advertisement consent(s) may be necessary for such installations.

No new boundary treatments are proposed, however a condition controlling the erection of new boundary treatments is recommended nonetheless.

A fenced enclosure currently exists to the rear of The Aspley public house/restaurant, and bins are currently stored here. No external bin store has been shown on the submitted drawings. A condition is recommended requiring details of waste storage arrangements, and the details submitted pursuant to that condition would need to address visual amenity and the setting of heritage assets, among other considerations.

The proposed development is considered acceptable in relation to the prevention and deterrence of crime and anti-social behaviour. The proposed layout and other aspects of the development's design would not create significant new opportunities for crime, nor would any parts of the site become unacceptably more vulnerable in these respects. The West Yorkshire Police Designing Out Crime Officer did not comment on the proposals.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities – when considering whether to grant planning permission – to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. Policy LP35 of the Local Plan is also relevant, and states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The adjacent basin/wharf/canal is Grade II listed. This designated heritage asset does not derive its significance from surrounding land being free of buildings or being occupied by only single-storey buildings (indeed, historic maps confirm that several warehouse buildings once met the water's edge, and some surviving nearby historic buildings still do and are taller than single-storey). The demolition of the existing public house/restaurant and the erection of a 2-storey building (of the design proposed) would therefore not adversely affect this Grade II listed asset.

The middle part of the Atkinson Holt building is Grade II listed. This is a surviving water's-edge historic building whose significance is also not derived from or dependent upon surrounding land being free of buildings or being occupied by only single-storey buildings. Again, the demolition of the existing public house/restaurant and the erection of a 2-storey building (of the design proposed) would therefore not adversely affect this Grade II listed asset. The

appropriate materials, roof form and fenestration of the proposed block would also help ensure the setting of this listed asset is respected.

1-3 St Andrew's Road (Grade II listed) does not derive its significance from views from the southwest. Furthermore, the intervening car park and trees limit the relationship between this listed building and the existing public house/restaurant. Given these considerations, and given the proposed block would be further away from 1-3 St Andrew's Road (but would be taller) when compared with the existing public house/restaurant, it is considered that this designated heritage asset would not be adversely affected.

It is considered that Sir John Ramsden Court (Grade II* listed), 40-48 Wakefield Road (Grade II listed), other non-designated heritage assets associated with the canal and the area's industrial history, 38 and 52 Wakefield Road (non-designated but of more recent cultural interest) and their settings would not be adversely affected by the proposed development, due to their distance away from the application site and the intervening buildings and road bridge.

Given the nearest part of the Huddersfield Town Centre Conservation Area is approximately 230m away to the west, given the intervening buildings, and given the limited views that take in both the application site and the conservation area, it is considered that the character and appearance of this designated heritage asset would not be adversely affected by the proposed development.

In response to comments made by the Canal and River Trust, a condition is recommended requiring details of the foundations of the new building relative to the canal bank. Of note, this is recommended not to protect the assets of a third party, but to protect heritage assets and to address land stability concerns in the public interest.

Given the above assessment, it is considered that the proposed development is acceptable in relation to design and heritage matters (subject to conditions), and is compliant with relevant policies in the Local Plan, with the NPPF, and with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways

The extended hotel would continue to be accessed (by vehicles) via the existing site entrance and dropped kerb on St Andrew's Road. This raises no concerns in relation to highways safety or function, and no modifications are needed to this site entrance in connection with the proposed development.

The applicant's Transport Statement states that vehicle movements to and from the site are likely to reduce as a result of the proposed development. This is accepted – vehicle movements associated with the public house/restaurant are indeed likely to be greater than those associated with the proposed hotel accommodation.

The hard-surfaced courtyard surrounded by the retained and proposed blocks would accommodate 34 parking spaces (including four disabled bays). Plans submitted by the applicant include annotations referring to 37 spaces, as the applicant has assumed that the drop-off area would provide three spaces (albeit not for stops longer than a few minutes). Taking into account the parking spaces on the west side of the stepped pedestrian bridge, parking provision across the site would increase by 15 spaces (from an existing 90 to a proposed 105). This proposed provision is considered acceptable, as confirmed in KC Highways Development Management's comments on the applicant's parking accumulation assessment.

A sufficient number of disabled parking spaces are proposed within the hard-surfaced courtyard, and these would be appropriately marked.

Paragraph 5.7.2 of the submitted Transport Statement confirms that a single Sheffield-type cycle stand would be provided, with capacity for parking two bicycles. In addition, Premier Inn guests would be able to bring their bicycles into their rooms. This provision is considered acceptable.

Figure 14 in the submitted Transport Statement sets out typical servicing activity for a Premier Inn hotel and associated restaurant. Servicing vehicles would continue to access the site via the existing dropped kerb to St Andrew's Road. The applicant is of the view that the proposed additional hotel accommodation would not require an increase in the size or frequency of servicing vehicles, and that any additional demand would be met through existing servicing visits. This is accepted.

A marked route for pedestrians and cyclists moving through the application site between St Andrew's Road and the canal towpath is shown on the submitted drawings. This was requested by officers for the following reasons:

- To ensure improvements to neighbourhood connectivity and opportunities for walking and cycling were achieved in accordance with Local Plan policies LP20, LP24dii and LP47e.
- To improve links (and public access) to existing blue infrastructure in accordance with Local Plan policy LP3.
- To help make the proposed development attractive to pedestrians and cyclists in accordance with Local Plan policy LP13.
- To ensure this development (at this site which is within the Strategic Green Infrastructure Network) integrates into existing and proposed cycling and walking routes by providing a new connecting link in accordance with Local Plan policy LP31.
- A proposed arm of the Core Walking and Cycling Network extends along the canal towpath to the north, and through the application site's car park.
- This route is (and could remain) step-free, unlike the stepped bridge which provides the only other means of leaving the towpath here.
- Informal access through the car park is already available, and the public's use of it is likely to increase in the future as improvements

are made to towpaths, and as the University of Huddersfield's Southgate campus is developed (the towpath will become a key, largely traffic-free route for pedestrians and cyclists moving between that campus and the student accommodation on Wakefield Road).

The proposed marked route would appropriately inform users that access to/from the towpath is available, and would warn drivers that pedestrians and cyclists would be using this route (and that drivers should give way). Although it is not ideal to have this marked route running along the front of the proposed parking spaces, given the number and speeds of vehicle movements likely within this car park, risks to pedestrians and cyclists are likely to be low. A similar arrangement (of pedestrian routes running along the front of parking spaces) has been implemented in the nearby Sainsbury's car park and elsewhere.

A recommended condition requires this marked route to be provided (without steps or other barriers to people using wheelchairs) and retained, and also requires signage to be erected at the site entrance on St Andrew's Road, informing the public that access is available to the canal towpath. If need be, this signage could note that the access is permissive, and is not a public right of way.

KC Transport Strategy expressed support for the provision of public access through the car park, as did the Canal and River Trust in comments dated 02/10/2024.

Public access is currently not readily available at the front (south elevation) of the public house/restaurant (although customers were able to sit outside in an area set back from the water's edge), and this is not expected to change.

The applicant has stated that the gate on the stepped pedestrian bridge is not locked, and that this would not change as part of the current proposals.

The recommended condition requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP) includes measures that would help ensure the highway would not be obstructed during the construction phase.

Waste storage and disposal

As noted above, a fenced enclosure currently exists to the rear of The Aspley public house/restaurant, and bins are currently stored here. No external bin store has been shown on the submitted drawings. The submitted application form states that the plans do not incorporate areas to store and aid the collection of waste, and that arrangements have not been made for the separate storage and collection of recyclable waste. Paragraph 6.3.4 of the submitted Transport Statement states that a secure, lockable and drained refuse store would be provided (although this is not illustrated in the document), with bins allocated for general waste, glass and mixed dry

recycling. It adds that no increase in the frequency of refuse collections would be required post-development.

Local Plan policies LP24d(vi) and LP43, and the Highway Design Guide SPD are relevant.

KC Waste Strategy have stated that the proposed development would not significantly alter waste arisings from the site, and may in fact reduce them.

Given the lack of information provided at application stage, a condition is recommended, requiring the submission of details of waste storage and collection arrangements. The details submitted at conditions stage would need to address capacity, theft, fly tipping, fire risk, refuse collector access and safety considerations. Reference would need to be made to the council's Waste Management Design Guide for New Developments (2020, updated 2021).

Amenity impacts

The surrounding area includes residential uses to the northeast at 1 and 3 St Andrew's Road, and in boats moored along the canal/basin/wharf. Of note, current online information indicates that "long-term" boat moorings are available around the application site, rented on a 30-day rolling contract, with berths allocated on a first-come first-served basis. There is also residential accommodation for students on Wakefield Road and Firth Street.

Due to its dimensions and location in relation to these neighbouring residential properties, the proposed new building raises no significant concerns in relation to natural light, privacy and overshadowing.

Regarding noise, as noted above, activities associated with the proposed development are unlikely to cause significant impacts. The proposed hotel accommodation is likely to generate less noise (related to customer activity and glass recycling, for example) than the existing public house/restaurant. There is, however, the possibility of plant noise affecting neighbouring amenity. The applicant has therefore submitted a Noise Assessment which considers noise from new building services plant which may be wall-mounted or located at roof level. This report, however, erroneously asserts that the nearest residential receptors are within a student accommodation building on Firth Street. KC Environmental Health have therefore advised that the report is inadequate, and that a further report should be secured by condition. Accordingly, this condition is recommended.

The submitted Noise Assessment also considers noise ingress into the proposed hotel rooms, however as occupants of these rooms would be transient (guests are unlikely to stay for long periods), it is not necessary to consider the amenities of this accommodation any further under this application.

The recommended condition requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP) includes measures that would help ensure residential amenity would be protected during the construction phase, including in relation to noise, dust and artificial light.

Drainage and flood risk

The application site is located immediately adjacent to a canal/basin/wharf and is close to the River Colne.

The applicant's Flood Risk Assessment states that the application site is within Flood Zone 3, and that both surface water and foul water drainage pipework currently discharge (at an unrestricted rate) to the Yorkshire Water sewer beneath St Andrew's Road. It goes on to note that the proposed development is a "more vulnerable" use (in relation to flood risk), and that the sequential test is passed.

The submitted FRA's sequential test does not explicitly consider alternative sites for the proposal. However, given the specifics of the development under considerations, officers consider this appropriate. The proposal seeks to provide hotel services in and around the Huddersfield Town Centre market area, thereby limiting the search area. Amenities in this market area include, but are not limited to, the town centre itself, Huddersfield university, and nearby stadium. Beyond this, the proposal is to be an extension to an existing facility (likewise in FZ3) and would share various facilities, including car parking, reception and staff. The new building would be on land within the control and already used (i.e., not greenfield) by the applicant, and replace an existing building within the flood zone. Accordingly, officers are satisfied that there are no sequentially preferable locations, for this specific development.

Regarding the exception test and the two criteria set out at paragraph 178 of the NPPF, it is accepted that the proposed development would provide wider sustainability benefits to the community that outweigh the flood risk – the proposed development would make effective use of (and would re-use) this previously-developed (brownfield) site, would support other nearby uses, would help to build the borough's and region's visitor economy, would need to meet current Building Regulations, and would deliver a reduced surface water discharge rate. The proposed development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The exception test is therefore passed.

The applicant has not proposed infiltration (soakaways) as a method of surface water disposal. Instead, surface water would be disposed of in the same way as currently (i.e., to the Yorkshire Water sewer beneath St Andrew's Road), however a significant reduction in the discharge rate (to 3.0l/s) is proposed – this would be achieved through the inclusion of a hydrobrake chamber, as illustrated on drawing 15106-BKP-XX-XX-DR-C-0511 rev C01, which is also included in Appendix E of the submitted Flood Risk Assessment.

The Lead Local Flood Authority (LLFA) have confirmed that the proposed drainage strategy – including the method of discharge and the proposed 3.0l/s discharge rate – is acceptable. Similarly, Yorkshire Water, the Environment Agency and the Canal and River Trust have raised no objections on flood risk and drainage grounds.

In accordance with LLFA advice, conditions regarding exceedance events and temporary drainage are recommended.

Given the above assessment, the proposed development is considered to be compliant with policies LP27 and LP28 of the Local Plan. Furthermore, there would be no conflict with policy LP29 (which requires the retention of water areas) or policy LP34 (which requires there to be no deterioration of water courses or water bodies).

Trees, landscaping and biodiversity

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has not put forward a case that the development is exempt from the mandatory BNG requirement, nor do officers consider exemption applicable in this case. Although the application site's existing soft landscaped areas are limited, it is understood that the parts of the site that are of biodiversity value exceed 25sqm in size, and that the site/application is therefore not exempt from the mandatory BNG requirement.

The applicant has submitted a Biodiversity Net Gain Assessment (issue 3, updated to include an assessment of watercourse units). This sets out the application site's existing (baseline, or pre-development) and proposed (post-development) biodiversity values as follows:

	Existing (baseline)	Proposed (post- development)	Change
Habitat units	0.29	0.32	+10.51%
Hedgerow units	0.03	0.16	+588.96%
Watercourse units	0.18	0.18	0%

The proposed achievement of over 10% BNG (in respect of habitat and hedgerow units) on-site is welcomed. However, given that overprovision of one unit type cannot offset underprovision of another unit type, the applicant will be expected to also achieve a 10% BNG in respect of watercourse units.

To achieve a 10% BNG (including in respect of watercourse units) at this application site, a post-development biodiversity value totalling less than 1 unit (across all three unit types) would be needed. The post-development biodiversity value of the site (as proposed by the applicant) would indeed total less than 1 unit (again, across all three unit types). Furthermore, the other criteria that can make on-site BNG fall within the definition of “significant” are not considered applicable in this instance. It is therefore concluded that – for this application – there is not a need to secure maintenance, management and monitoring measures (via a Section 106 agreement, for a 30-year period) in relation to the BNG required of the proposed development.

An informative is recommended, reminding the applicant that the pre-commencement Biodiversity Gain Plan general planning condition (imposed by legislation) applies.

The applicant has submitted a Preliminary Ecological Appraisal and Roost Assessment. This found that:

All habitats within the site are common and widespread and have low ecological value. The site also contains trees, which are of good quality and could be of value to local wildlife populations... The remaining habitats are common and widespread and have low ecological value. No protected or notable plant species were recorded during the survey.

No trees would be lost as part of the proposed development.

There is currently limited soft landscaping in the application site’s hard-surfaced courtyard. Two landscaping drawings (1155-SW-01 and 02) have been submitted, showing the planting of two silver birch trees and various shrubs within this courtyard, as well as shrubs along the south elevation of the new block. The proposed increased greening of the site is welcomed. The submitted drawings have not been updated since the courtyard layout was amended during the life of the application, and the recommended landscaping condition requires them to be updated. The same condition also secures details (including samples, if requested) of paving and other hard surface materials.

The submitted landscaping plans include a proposed species (*Euphorbia amygdaloides* 'Purpurea') which is regarded as a potential nuisance. The recommended landscaping condition requires this to be replaced with another species.

Other planning considerations

The application site is partly within a Development High Risk Area, and partly within a Development Low Risk Area, as defined by the Mining Remediation Authority. A Phase 1 Coal Mining Risk Assessment was submitted by the applicant. This asserts that there is no risk associated with coal workings beneath the site, and that remedial and mitigation measures are not needed.

The Mining Remediation Authority (in their previous guise as the Coal Authority) accept that the application site is safe and stable, and have not recommended any conditions.

According to records held by the council, parts of the application site (and nearby areas of land) are potentially contaminated. No site contamination reports have been submitted in support of the application; therefore, relevant conditions are recommended in accordance with KC Environmental Health's advice. In accordance with the comments of the Canal and River Trust, the required reports will be expected to address contamination of water, as well as land.

The application site is within an Air Quality Management Area (AQMA 9 – Huddersfield Town Centre) in relation to elevated levels of Nitrogen Dioxide. Given the nature of the proposed development, and given that vehicle movements are expected to decrease at the site, impacts in relation to air quality in and around the site are likely to be minimal or beneficial. A condition securing the provision of electric vehicle charging points is, however, recommended in accordance with KC Environmental Health's advice.

In relation to climate change, an Energy Strategy and a Climate Change Statement have been submitted by the applicant. These confirm that the proposed development would exceed the requirements of the 2021 Building Regulations Part L, and it is noted again that the proposed development is to incorporate photovoltaic arrays. Climate change has also informed the applicant's approach to flood risk.

The size of the proposed development does not trigger the requirement for an agreed training or apprenticeship programme referred to in Local Plan policy LP9.

Regarding accessibility, Local Plan policy LP24f requires the needs of a range of different users (including people with disabilities) to be met, and accessible and inclusive spaces to be created. Policy LP13 requires all proposals for town centre uses to be inclusive for all users. The submitted proposed floor plans do not suggest any connecting rooms are proposed (for people with disabilities who may be travelling with a carer), however an accessible room appears to be proposed at ground floor level, and a larger room is shown directly above this at first floor level (although no lift is annotated on the floor plans).

Conditions

Draft conditions were shared with the applicant's agent on 23/12/2024. Following amendment to some of the draft conditions, on 10/01/2025 the applicant's agent confirmed that the conditions were agreed.

Representations

No public representations were received.

Section 106 agreement

No Section 106 agreement is needed in connection with the proposed development.

Conclusion

It is recommended that planning permission be approved, subject to conditions.

Recommendation: Approve (subject to conditions)

Decision Authorisation: Delegated Powers

Application Number: 2024/91828

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include the following details:

- A timetable of all works;
- Any phasing of development;
- Hours of works;
- Point(s) of access for construction traffic;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to ensure the adjacent canal and basin wash walls, curbs and related features are protected from damage (measures to include location of plant and equipment away from wash walls, and monitoring of excavations);
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;

- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

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

Reason: In the interests of amenity, to ensure the highway is not obstructed, to protect heritage assets and blue infrastructure, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30, LP35 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to protect heritage assets and blue infrastructure, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

4. Prior to the commencement of development (including ground works) a scheme detailing temporary surface water drainage for the construction phase (after site strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail any phasing of the development and any phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems, canals (including canal basins) and watercourses and details of how flooding of adjacent land would be prevented;
- Include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2 year storm (it should be assumed that once the site has been stripped that the percentage run-off will be 100%); and
- Include methods of preventing contamination of canals (including canal basins) and watercourses once the new drainage has been installed.

The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed in writing by the Local Planning Authority. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and

functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policies LP27 and LP34 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

5. Prior to the commencement of development (including ground works), details of the foundations of the new building relative to the canal bank shall be submitted to and approved in writing by the Local Planning Authority. The details shall include cross sectional drawings of the canal and canal wash wall showing the depth of foundations relative to the canal, and calculations to demonstrate that the structure as designed shall not impose loading onto the canal wash wall.

Reason: To ensure that the development hereby approved shall not introduce risks of land instability next to the canal, and to protect heritage assets, in accordance with Policies LP24, LP35 and LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that any risk related to land stability and heritage assets are identified and suitable remediation measures are agreed at an appropriate stage of the development process.

6. The development hereby approved shall not be brought into first use until:

- The car park hereby approved has been laid out, surfaced and marked out into bays in accordance with the Proposed Site Plan ref AP10 rev A;
- The car park hereby approved has been provided with surface water drainage; and
- The marked pedestrian access route shown in yellow on the Proposed Site Plan ref AP10 rev A has been provided (without steps or other barriers to people using wheelchairs) and a sign has been erected at the St Andrew's Road site entrance informing the public that access is available to the canal towpath.

The car park, drainage, pedestrian access route and sign shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout, to enable access to amenity assets and blue infrastructure, and to encourage the use of sustainable modes of transport in accordance with Policies LP3, LP20, LP21, LP24, LP31 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

7. Prior to development commencing on the superstructure of the development hereby approved, a scheme detailing the dedicated facilities to 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 (of a minimum output of 16A/3.5kW) for every 10 parking spaces.

Parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: To ensure users of and visitors to the development are encouraged to use lower-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

8. Prior to commencement of development, an assessment of the effects of 1 in 100 year storm events (with an additional allowance for climate change, blockage scenarios and exceedance events) on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area (both upstream and downstream of the development), shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first occupied until the works comprising the approved scheme have been completed, and the approved works shall be retained thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

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

9. Prior to the commencement of development, actual and potential land contamination at the site shall be investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment (Phase I Desk Study Report) approved pursuant to condition 9, groundworks (other than groundworks required for a site investigation report) shall not commence until a supplementary 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: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely

completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, 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: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. 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 two 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

13. 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Prior to the commencement of development, a further 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:

- An assessment of all noise emissions from the proposed development;
- Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises; and
- 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, and 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.

This pre-commencement condition is necessary to ensure that noise mitigation measures are agreed at an appropriate stage of the development process.

15. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the development hereby approved, and details of the management of the proposed waste storage, shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include plans, elevations and sections of any bin/waste stores (including details of materials), details of measures to control odour and vermin, and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, to protect the setting of heritage assets, to assist in achieving sustainable development, and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan.

16. Notwithstanding what is shown on the drawings hereby approved, prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity, to protect the setting of heritage assets, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

17. No boundary treatments shall be erected without the prior written approval of the Local Planning Authority. Notwithstanding what is shown on the drawings hereby approved, should any boundary treatments be proposed, details thereof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The details shall include sections and details of materials and levels. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity, maintaining the setting of heritage assets, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Updated drawings 1155-SW-01 and 02 (showing the layout hereby approved, and not including the species *Euphorbia amygdaloides* 'Purpurea'); and
- Details (including samples, if requested), of paving and other hard surface materials.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value, visual amenity and highways safety, to protect the setting of heritage assets, to minimise flood risk, to ensure the amenities of existing neighbouring residential units are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP35, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. The development shall not be brought into use until the external lighting so approved has been installed and brought into use, and the external lighting shall be retained and maintained as such thereafter. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to protect the setting of heritage assets, to safeguard habitat, in the interests of creating a safer, more sustainable

neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30, LP35 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing the canal or banal basin, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity, to protect the setting of heritage assets, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

NOTE: In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) **development may not be begun unless:**

- a) A biodiversity gain plan has been submitted to the local planning authority; and
- b) The local planning authority has approved the plan.

The biodiversity gain plan must include:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat;
- c) The post-development biodiversity value of the onsite habitat;
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) Any biodiversity credits purchased for the development; and
- f) Any such other matters as the Secretary of State may by regulations specify.

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

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

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of 07.30 and 18.30 hours Mondays to Fridays, and 08.00 and 13.00 hours on Saturdays, with no working Sundays or Public Holidays. These hours should be referred to in any Construction Environmental Management Plan to be submitted to the Local Planning Authority for approval. In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974 (Section 60), Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may 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 installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website.

NOTE: The Canal and River Trust have invited you to contact their Works Engineering Team via switchboard on 0303 040 4040 or via email tpwnorth@canalrivertrust.org.uk 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 and River Trust.

NOTE: Please refer to the Environment Agency's comments of 20/08/2024, for advice regarding flood warnings.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Proposed Site Plan	AP10	rev A	10/12/2024
Proposed Elevations and Floor Plans	AP11	rev A	21/01/2025
Detailed Landscape Proposals – 1 of 2	1155-SW-01		01/07/2024
Detailed Landscape Proposals – 2 of 2	1155-SW-02		01/07/2024
Proposed Drainage GA	15106-BKP-XX-XX-DR-C-0511	rev C01	01/07/2024
Drainage Details Sheet 1	15106-BKP-XX-XX-DR-S-0590	rev C01	01/07/2024
Drainage Details Sheet 2 (titled "Sheet 1" on drawing)	15106-BKP-XX-XX-DR-S-0591	rev C01	01/07/2024
Drainage Area GA	15106-BKP-XX-XX-DR-C-0501	rev C01	01/07/2024
Drainage Key Plan	15106-BKP-XX-XX-DR-C-0510	rev C01	01/07/2024
Transport Statement	RGP, 2024/7846/TS01, 11/12/2024	rev B	13/12/2024
Flood Risk Assessment	PIXB, 15106-BKP-XX-XX-RP-C-0001, 18/06/2024		01/07/2024
Biodiversity Net Gain Assessment	Arbtech, 03/10/2024	issue 3	07/10/2024

Preliminary Ecological Appraisal and Roost Assessment	Arbtech, 20/05/2024		01/07/2024
River Condition Assessment	Arbtech, 29/09/2024		07/10/2024
Climate Change Statement	William Groarke, undated		24/07/2024
Energy Strategy	Thornley and Lumb, C8809-TLP-00-XX-XX-BP-100 P01, 04/06/2024		01/07/2024
Phase I Coal Mining Risk Assessment	Enzygo, CRM.1483.058.GE.R.002.A, July 2024		24/07/2024
Noise Assessment	Envirnoise, 22037R01PKSW, 20/06/2024		01/07/2024

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 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.

Report Dated: 27/01/2025