

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:	2024/62/92306/E
Site Address:	457, Bradford Road, Batley, WF17 8LB
Description:	Installation of EV charger
Recommending Officer:	Edward Cheseldine

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.

Emma Thompson

AUTHORISED OFFICER

Date: 9-Dec-24

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Officer Report

2024/92306 - 457, Bradford Road, Batley, WF17 8LB

Site Description

457 Bradford Road is a three-storey detached building in Batley. It contains a restaurant and two residential apartments. It is positioned in a busy section of Bradford Road, surrounded by other commercial buildings. Bradford Road is a Category A road. The site is a parcel of land that rests between Batley Bus Station and a large car park for retail outlets.

Proposal Description

The applicant is seeking permission for the erection of No.1 EV charging station within the car park of the site.

The EV charging station will be 0.52m(w) 1.04m(d) x 2.37m(h), with two charging leads.

Amendments/Negotiations

Amended block plans were requested to remove the 'proposed extension' that was refused under application 2023/92975.

Relevant Planning History

2018/90459 - Erection of restaurant and two second floor apartments - Approved

2023/92975 - Erection of extension to restaurant – Refused

Public Representation

Neighbourhood notification letters were distributed to advertise the application, which expired on the 21-Nov-2024. As a result of the publicity, no representations were received.

Consultation Responses

KC Highways – No objection, see *Impact to Highways* for further details.

Policy & Legislation

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

The site is Batley Town Centre on the Kirklees Local Plan Proposals Map.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Presumption in favour of sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town Centre Uses
- **LP 20** – Sustainable travel
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 26** – Renewable and low carbon energy
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land
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National Policies and Guidance:

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

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

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- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Conclusion

Principle of development:

The site is allocated within Batley Town Centre on the Kirklees Local Plan (KLP). In general, Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of making alterations to a site, Policy LP24 of the KLP is relevant and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

In this instance, the site is not situated within a conservation area or located in designated Green Belt. The site is within a designated town centre and will not prejudice the viability of the centre.

The application will be considered on design grounds, the impact it has on residential amenity and highway safety, along with all other material considerations and representations received.

These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity

In terms of visual amenity, policies are set out within the Kirklees Local Plan, Policy LP 24, design which seeks to respect current character whilst providing usable spaces.

Paragraph d), v) sets out that good design incorporates sustainability through, *'providing charging points to encourage the use of electric and low emission vehicles;*

The application site is a car park for a restaurant and apartments. Ev chargers have become commonplace within car parks that serve retail centres, due to the expansion of low carbon and electric vehicles. The area where the chargers will be placed is currently free of other electrical units and infrastructure. A collection of electrical units has the ability to appear cluttered and messy. The equipment will be visible; however it is considered to be within the context of its setting.

Given the Council's positive encouragement for the installation of EV charger's erection of green infrastructure is encouraged so long as they are appropriately placed. In this case, the placement is acceptable in terms of LP24.

Impact on Residential Amenity

Given the minimum disturbance from EV chargers from noise and light disturbance, the proposal would not result in any adverse impact to the residential amenity of residential dwellings.

Impact of Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.

LP21a states, all proposals shall, *'ensure the safe and efficient flow of traffic within the development and on the surrounding highway network'*.

LP21e states, all proposals shall, *'take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely'*.

It is noted that the car park layout that accompanies this application is different from the layout approved pursuant to 2018/90459. Nevertheless,

swept paths have been provided for the new layout indicated a safe turning space for delivery vehicles. There is 1 additional space from previously approved plans.

KC Highways were consulted in relation to the loss of 2 parking spaces to EV vehicles. They had no objections to the proposal as one additional car parking space is being provided whilst two are being assigned to EV vehicles. In addition, the EV charging station does not disrupt the layout of the car park.

The plans therefore accord with LP21 & LP22 of the Kirklees Local Plan.

Conclusion

This application for installation of electric vehicle station at 457 Bradford Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, Kirklees Local Plan and other material considerations.

Given the acceptable design and lack of harm in terms of visual, residential amenity and highway safety the proposal is considered to be acceptable. The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

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

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning

Policy Framework 2021. Reports must be prepared in accordance with the following guidance: • Land Contamination Risk Management (LCRM) • BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holiday

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Site block plan / car park plan	02	Rev B	13 August 2024
Proposed elevations	-	-	13 August 2024
Gen 01 – Charger details	-	-	13 August 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development

Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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. Amended block plans were requested to remove the 'proposed extension' that was refused under application 2023/92975.