

**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:	2024/62/92607/E
Site Address:	The Autocentre, 299, Huddersfield Road, Scout Hill, Dewsbury, WF13 3RW
Description:	Erection of extension to existing car repair/workshop garage
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 January 2025

Officer Report

2024/92607 - The Autocentre, 299, Huddersfield Road, Scout Hill, Dewsbury, WF13 3RW

Site Description

299 Huddersfield Road is a car servicing facility in Scout Hill. The site contains a commercial garage workshop and a parking area. The existing building is faced in brick for the external walls with a pitched roof clad in metal sheeting. The access for the facility leads onto Ravenswharfe Road. To the north, east and west of the site rests residential dwellings, to the south rests other commercial/industrial properties.

Proposal Description

The applicant is seeking planning permission for an extension to the rear of the property. The extension will be ~3.854m(w) x 17.00m(l) with an eaves height of ~3.60m and a roof height of ~4.70m. The extension will be formed of materials to match the existing structure, with red brick exterior walls and metal sheeting for the roof.

Amendments/Negotiations

None required.

Relevant Planning History

None relevant.

Public Representations

Neighbour notification letters were distributed to advertise the application, which expired on 13-Dec-2024. As a result of the publicity, there were no representations received.

Consultation Responses

KC Environmental Health – No objection, subject to conditions relating to land contamination conditions and times of operation.

The Mining Remediation Authority (The Coal Authority) – No objection, subject to conditions for ground intrusive investigations.

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 UNALLOCATED 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** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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.

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- 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

Assessment

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

Principle of development:

The site is unallocated, 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 extending and making alterations to a property, 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, highway safety and environmental matters.

Impact Visual Amenity

Visual amenity is assessed through Policy LP 24 of the Kirklees Local Plan, that relates to design. Within which, the policy specifies proposals should promote good design by ensuring '*the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*', amongst other factors.

The extension is to the existing building in terms of footprint and volume. The roof height is set below the eaves of the existing building. The location of the site currently houses a shipping container. The appearance of the extension is more suitable considering the residential location of the site. Materials will match the original building.

The extension is therefore acceptable in terms of complying with Policy LP24 of the Kirklees Local Plan.

Impact on Residential Amenity

Policy LP24 b of the Kirklees Local Plan states good design should be at the core of all proposals including, including of which is that design 'provide a high standard of amenity for future and neighbouring occupiers.

The extension will be ~12.30 from the nearest dwelling. There are no windows proposed to the elevations of the buildings. There is a mechanical shutter on the south-east elevation. It is not considered the extension will have an impact to privacy due to the lack of windows. The dwellings are separated from the extension by Back Ravens Street. There is a sheet metal fence on the boundary wall and the extension has a low eaves height. It is not considered there will be an overbearing impact to pedestrians or residents of the buildings. In addition, due to the form of the extension, there will not be a loss of light or loss of outlook from the development.

In addition to LP24 b, Policy LP52 relates to noise contamination.

In terms of noise, the extension will be used as an additional servicing area and a workshop. The extension is formed of brick, which is a substantial material with noise dampening qualities. KC Environmental Health were reconsulted as part of the planning process once details of the use of the extension were received. They had no concerns, so long as a condition of operational use times was issued. The site currently operates:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 17.00 hours, Saturdays

With no activities shall take place on Sundays or Bank Holidays. It will be conditioned that the use of the extension accords with the current hours of operation.

The proposal therefore complies with LP24 b & LP52, in terms of impact to residential amenity.

Impact to Highway Safety

Policy LP 21 & LP 22 regard impact to highway safety and parking.

The site contains a large car park. Due to the nature of the site, customer vehicles and motor vehicles being repaired are present on site. There is an opening on the south-west elevation of the building. In terms of increase in vehicular movement to the site, it is not considered the extension will result in a material increase in use of the site which would disrupt the current parking and storage arrangements.

Environmental Matters

Ecology & Biodiversity Net Gain

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site is located within a bat layer on the Council's GIS mapping system. The works will not affect the eaves of the property. A site visit demonstrated there are no gaps between the eaves of the existing property. Nevertheless, an informative note will be imposed on the decision notice to advise that if any sign of bats discovered on site, development shall cease, and the advice of a licensed bat worker sought.

Given the context of the site and potential vibrations from the operations of the site, it is not considered necessary to impose a condition requiring installation of a bat or bird box.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required within the application form. The extension will be placed on hardstanding material, therefore the proposal falls under the *Di Minimis* exemption category, as listed within the Government Biodiversity Net Gain Advisory Note, no BNG is required in this case.

Coal Mining Risk

Policy LP53 relates to contaminated and unstable land. A Coal Mining Risk Assessment was submitted as part of the proposal which was assessed by

The Mining Remediation Authority. They concluded further ground intrusive investigations were required, which will be conditioned.

Land Contamination

Policy LP53 relates to contaminated and unstable land. The site itself is a working garage with associated potential polluting substances on site. There is a shallow mine below the site which may cause ground contamination through mine gases or create combustibility. A credible risk relating to shallow mine workings has been identified, the report recommends further intrusive work to examine the coal mining legacy. As all the potential contamination risks at the site have not been examined and taking into consideration the Land contamination risk management (LCRM) guidance, which states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site, therefore, conditions in relation to contaminated land will be set.

Carbon Budget

The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

This application for the erection of an extension has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given its acceptability in terms of the principle of development and impact to visual amenity, residential amenity, highway safety and environmental matters, the proposal is 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.

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

Reason: For the avoidance of doubt as to what is being permitted and 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.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

4. No activities shall be carried out on the premises, including deliveries to the premises, outside the hours of 07.30 and 18.30 Monday to Friday and outside the hours of 18:00 and 17:00 on Saturday. No activities shall take place on Sunday or Bank Holidays.

Reason: In the interests of residential amenity in relation to noise and disturbance and in accordance with Kirklees Local Plan Policies LP24 and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

5. No above ground development shall commence (excluding the demolition of existing structures) until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement condition to ensure that the legacy of past coal mining activity is investigated and remediation is carried out at an appropriate time, in order to ensure the safe occupation of the site in

accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that land contamination issues are investigated at an appropriate time in order to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that land contamination issues are investigated at an appropriate time in order to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a

timetable for the implementation and completion of the approved remediation measures.

Reason: This is a pre-commencement condition to ensure that land contamination issues are investigated at an appropriate time in order to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: This is a pre-commencement condition to ensure that land contamination issues are investigated and remediation is carried out at an appropriate time in order to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 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: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

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 Holidays. In some cases, different site-specific hours of operation may be appropriate.

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
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Plan Type	Reference	Version	Date Received
Location plan and existing site plan	-	-	11 September 2024
Existing and proposed grouped plans	-	-	11 September 2024
Coal Mining Risk Assessment	-	-	11 September 2024
Climate Change Statement	-	-	11 September 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.

No amendments were sought.