

**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:	2025/62/91965/E
Site Address:	land at, Gelderd Road, Birstall, Batley, WF17 9LS
Description:	Installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements including associated works
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.

John Holmes

AUTHORISED OFFICER

Date: 28th January 2026

Officer Report

2025/91965 - land at, Gelderd Road, Birstall, Batley, WF17 9LS

Site Description

The whole site is roughly rectangular, it contains a vacant building with a hardstanding perimeter and self-seeded shrubbery and trees. The building had a business use operating as a unit within the wider retail park. There is an existing access that leads onto Gelderd Road which serves as a dual-carriage way to the retail park and the M62.

The application site relates to the whole site. It contains a sizeable single-storey building formed with an 'L' shaped footprint and a flat roof extension. Whilst the building is vacant, it remains of substantial construction. The building is adjacent to two purpose-built retail units of a significant scale. These are adjacent to the north-east boundary and south-west boundary. Adjacent to the north-west boundary is a hard surfaced delivery area. Officers noted wooden security fencing had recently been erected around the perimeter of the site.

To the north-east of the application site is Junction 27 of the M62 with carriageways for entry/exit. To the prevailing west is the Birstall Shopping Park (Junction 27 Retail Park).

Proposal Description

The applicant is seeking permission for a change of use to a commercial EV charging car park (sui generis) and installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements including associated works.

Development will include 32 electric vehicle (EV) ultra-rapid (150kW+) charging points, supercharger equipment cabinets, substation infrastructure, hard and soft landscaping, ancillary customer amenity block, solar canopies and provision of connecting customer stairwell to Birstall Retail Park.

The amenity block will be 12.00m(w) x 5.90m(l) x 3.26(h) clad in dark grey.

Amendments/Negotiations

The applicant was requested to provide further ecology information – this was received and accepted.

Public Representations

The application was advertised by way of a site notice, which expired on 05-Sep-2025. As a result of the publicity, there were no representations.

Reference to associated works has been added to the description, for clarity as to the development. It is considered the description as publicised adequately alerted the public to the nature of the development and further publicity of the updated description was not required in this case.

Relevant Planning History

Two applications for a retail unit were submitted in 2004 and 2005 with both being withdrawn.

An application was submitted in 2006 (2006/92035) for: Erection of retail unit with parking, landscaping, new vehicular access from gelderd road, pedestrian access from gelderd road and the retail park and associated engineering works. This was Refused 10/08/2006 for the following reasons:

The proposed development represents a significant additional retail use to a freestanding retail park some distance from any traditional shopping centre. The quantitative need for further comparison goods floorspace growth within the study area has not been satisfactorily demonstrated. Furthermore, the out-of-centre location does not accord with the key objectives of Unitary Development Plan Policies S1, T1 and S4, or Government planning policy advice contained in PPS 6 (Planning for Town Centres), which seek to promote and enhance existing centres, by focusing development in such centres and encouraging a wide range of services in an environment accessible to all. The applicant has failed to satisfactorily demonstrate that there are no sequentially preferable sites available to accommodate the development proposed; access to the site is by non-car modes of transport is poor; and the application fails to satisfactorily demonstrate how journeys by car will be reduced and trips by alternative means such as bus, cycling & walking encouraged, contrary to the advice in PPS 6 and PPG 13. The proposed development will therefore be served primarily by the car-borne shopper, enlarging and perpetuating an existing unsustainable form of development.

It has not been satisfactorily demonstrated that development traffic will not adversely affect the operation of the Holden Ings Way / Gelderd Road roundabout contrary to policy BE1 & T10 of the Council's Unitary Development Plan.

In the absence of a satisfactory management scheme, the proposed car park, directly accessed off the A62 will give rise to conditions prejudicial to road safety and traffic capacity on the adjacent highway network, contrary to policies BE1, D2 and T10 of the Kirklees Unitary Development Plan.

An appeal to this refusal was subsequently withdrawn.

The planning history of the site is taken into account in the consideration of this proposal although it is noted the proposal is materially different from that of

the refused scheme in 2006 and there has been changes in policy since 2006. As such it is considered limited weight can be afforded the planning history in the consideration of this case.

Consultation Response

KC Environmental Health – Assessed Phase 1 Report by Enzygo Limited (June 2025, CRM.3030.020.GE. R.001.B. Recommended land contamination conditions. Condition relating to construction hours also recommended.

KC Highways – No objection. Recommended conditions to secure layout, access and for details of bin presentation points.

KC Ecology – No objection. Recommended conditions to protect onsite trees and precautionary measures for species.

KC Trees – No objection.

The Mining Remediation Authority – Recommended further land 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 in the Kirklees Local Plan. The site falls in an area with a known presence of bats and also an area known to be at higher risk of land movement as a result of former mining activity.

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 3 – Location of New Development

- LP 4 – Providing Infrastructure
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Lane

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

National Planning Policy Framework:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other material planning considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov Uk Biodiversity Net Gain Technical Guidance (2023).

Assessment

Principle of Development:

Sustainable Development

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

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

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is without notation on the Kirklees Local Plan (KLP). 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.

Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The principle of providing infrastructure to support the uptake of electric vehicles is supported by the Kirklees Local Plan, including Policies LP4, LP20, LP24, LP26 and LP51. Collectively, these policies seek to promote sustainable development, reduce carbon emissions, encourage the use of low-carbon and renewable energy technologies, and support infrastructure that contributes positively to climate change mitigation. In this instance, having regard to the scale of the proposed development and the use of an integrated power source, the proposal is considered to accord with the objectives of the aforementioned policies. The development is therefore considered to be acceptable in principle, subject to compliance with other relevant Local Plan policies and material planning considerations discussed in the following report.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The plans indicate the site will be converted to a car park with ancillary equipment including substations, solar canopies and EV charging stations. A small break out area will be erected at the north-east aspect of the site.

The appearance of the site is suitable when considering the wider area which is predominately areas of retail outlets and car parks. There is a sufficient level of soft landscaping features to soften the appearance of the site. From public aspects along Geldard Road, plant machinery will be visible, to mitigate the appearance a shrub hedge will be planted along its boundary which when mature will screen the equipment to a suitable degree.

An amenity building will be located on the northeast side of the site, incorporating a lounge and WC facilities. It will feature dark cladding and a flat roof, presenting a modern design. The proposed branding and use of company colours are consistent with the character of the area and do not conflict with its fabric. Overall, the scale and appearance of the proposal are appropriate and do not create an overbearing or intrusive presence.

Street furniture will be introduced throughout the site, the design is high quality including timber benches and planters. Solar canopies will be installed to cover the parking areas and provide an area for the interlocking PV panels. Such apparatus will provide partial energy production for the site. The appearance of which are suitable with supporting beams appearing lightweight.

The wider amenity impact of the proposed lighting is not considered to be significant visually. In addition conditions to secure that the scheme is that as proposed would be included upon any grant of approval.

A modern design will be introduced within the stairwell, with block planters with incorporated lighting. The sides of which are set low removing providing visibility into the staircase which in turn provides a deterrence for anti-social behaviour.

Full details of the materials, colour and finish of the amenity block, substations, solar canopy and stairway and boundary treatments of the site have not been provided. In order to achieve a satisfactory finish and appearance, it is recommended conditions for the written approval of these details by the LPA are included upon any grant of permission.

All paraphernalia fits within the context of the site, including the EV chargers and sub stations in accordance with the aforementioned policies.

Impact on Residential Amenity

Section B and C of LP24 states that development should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

It has been assessed whether the proposed development may be adversely affected by existing noise sources and whether noise from the proposed development may have an adverse impact on nearby noise sensitive receptors.

Additionally, lighting will be introduced throughout the site. LP52 ensures the Protection and improvement of environmental quality in controlling light pollution to an acceptable level for the well-being of people.

The application is for commercial development within a retail park. The nearest residential dwelling within the sightline of the site is 750m away to the south-west, additionally the nearest noise sensitive receptor is located 600m to the east.

Environmental Health requested a construction environmental management plan to be included. Given the proximity to residential dwellings, it is considered that the impacts from construction noise will be limited, and will not be to the detriment of neighbouring residents. It is not, therefore, considered reasonable of the LPA to insist upon a construction phase environmental management plan to be submitted as part of the development in this case.

The proposed use will therefore not result in an impact to residential occupants due to light or noise pollution, being acceptable in terms of Local

Plan Policy LP24(b) & LP52 and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

Policy LP21 states all proposals should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Development includes the widening of site entrance, one way traffic system, parking layout and pedestrian crossings.

The applicant has submitted the following documents:

- Proposed site plan– ref LB_ SUC-01 – REV C dated 24/06/2025.
- Site Access plan- ref CRM3030020-ENZ-XX-XX-DR-Y-1001-P02 dated 01/07/2025
- Transport Statement – ref CRM.3030.20.TR,RP.001.A dated July 2025.
- Stage 1 RSA – ref RS-MH-0625-005- issue 1 dated 23 June 2025
- Stage 1 RSA response report – ref RS1-MH-0625-005-issue 1 dated 18-12-2025.

KC Highways have reviewed the submitted information. They commented on the suitability of the site access due to appropriate visibility, in and out access and left only signs. In terms of traffic generation, the application has submitted data from existing Tesla charging sites provided an estimates 24 two-way vehicular trips per hours which is considered acceptable by KC Highway DM. Details of refuse collection generated by the amenity block and toilet facilities has not been provided therefore a condition is recommended.

In order to secure the safe layout and access of the site, it is recommended conditions are set out the site is fully constructed prior to first use in order to ensure the development would comply with LP21 & LP22 of the Kirklees Local Plan. Subject to inclusion of conditions as recommended by the Highways Team it is considered the proposal is acceptable and accords with the aforementioned policies.

Environmental Matters

BNG & Ecology

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.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

A BNG report and metric have been submitted. The report indicates an onsite net gain of 0.00664 units (17.10%) and 0.1841 (263%) hedgerow units this will be secured by the condition in law given the scale of the development and would ensure the uplift of biodiversity of the site.

Additionally, a preliminary ecological assessment has been submitted. KC Ecology raised no objection to the findings within the document. The outcome of which found no evidence of species on site.

In order to protect the existing habitats a Tree Protection Plan will be conditioned to limit the impact of construction on wildlife and accord with LP33.

Conditions have been recommended in relation to other species and habitats however given the outlined information in the preliminary ecological report, on balance it is considered there is limited evidence to justify such a requirement in this case. Whilst a lighting scheme condition is recommended by the ecology team it is considered that inclusion of such a condition would be unreasonable of the LPA given the scheme as proposed, lighting scheme submitted and the context the site is within. A condition requiring lighting to be that as submitted is recommended.

Given the onsite habitat net gains and landscaping condition, and condition in law it is considered that the proposal would be acceptable in terms of ecology / BNG.

Historic Coal Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

A Coal Mining Risk Assessment and additional details was submitted, which has been reviewed by The Mining Remediation Authority. They recommended further ground intrusive investigation which will be conditioned.

Land Contamination

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land

instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

A Phase 1 Report by Enzygo Limited (June 2025, CRM.3030.020.GE.R.001.B) has been received in support of the application. KC Environmental Health assessed the report stating the following:

The Preliminary Conceptual Model identifies several potential sources, pathways and receptors. Risks to end users are assessed as low due to the proposed use of hardstanding and landscaping, although risks to construction workers remain low to moderate. Risks from ground gases and combustible materials have also been identified.

The report recommends intrusive ground investigation, chemical testing, ground gas and volatile monitoring, and further assessment of the coal legacy to confirm conditions and inform any remediation strategy.

Following their advice, based on the conclusion of the phase I report, further land contamination conditions will be included upon any grant of permission.

Drainage

Policy LP28 of the Kirklees Local Plan, seeks to promote sustainable drainage options providing a hierarchy of the disposal of surface water, to mitigate flood risk.

The site is located in flood zone 1 and does not meet the requirement to consult from the lead local flood authority (LLFA).

The proposal seeks to discharge surface water to the existing soakaway chamber in the southern corner of the Site via a gravity connection. An offline geocellular tank will be provided to attenuate flows where the infiltration rate is exceeded by rainfall events. Details have been submitted within the appendix of the Details Drainage Strategy and Flood Risk Statement, reference CRM.3030.020-ENZ-XX-XX-DR-D-0001 P01.

The drainage solution is suitable for the size of the site, it will be conditioned the surface water drainage scheme shown on Drawing CRM.3030.020- ENZ-XX-XX-DR-D-0001-P01 implemented and retained.

Crime Prevention & Security

Policy within the Kirklees Local Plan (Policy LP24 Design, including part e on minimising the risk of crime through enhanced security, well-defined routes, overlooked streets and high levels of activity) expects new development to incorporate appropriate measures to deter crime and antisocial behaviour.

The proposed use poses the potential for theft and loitering.

It is proposed to install 4no. LED light fittings on 6m poles. A scheme of CCTV has been proposed indicated cameras will be located around the welfare unit. 360 degree CCTV provision both internally & externally. This CCTV system will be monitored and maintained directly by the lounge supplier. There will also be an integrated intercom system with the cameras internally. Daily site inspections and cleaning will also occur.

The applicant has submitted a design statement authored by BK World, which includes a CCTV plan under the security section. In order to secure the CCTV scheme, in the interest of security, it will be conditioned the details within the scheme are implemented and retained.

Additionally, the car parking area will be lit by the proposed 4 lights. In the interests of pedestrian safety and security the light scheme detailed on Proposed site plan light A112 will be conditioned.

Subject to conditions the proposal is considered to be acceptable with regard to safety / security.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

There are no protected trees on the site. The trees that are present are generally of poor quality and there is scope for some of their removal.

The submitted Arboricultural Impact Assessment and Arboricultural Method Statement including a Tree protection plan are representative and fair assessment and there shouldn't be any further impact on the trees after the suggested tree work is complete. To secure the health of the trees it will be conditioned the details within section 4.0 and appendix 1 of Arboricultural Method Statement 3030.020.ENZ.XX.00.RP.AR.45.102.PL01 are accorded with.

Carbon Budget

The proposal includes the installation of solar panels which are supported by LP26, providing mitigation to carbon emissions produced ensuring the clean energy sources reduce reliance on sources of non-renewable energy. The measures are suitable in complying with the policies to reduce carbon emissions.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Conclusion

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

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

Decision Authorisation – Delegated Powers

Application Number: 2025/91965

Officer Recommendation: Approve

Conditions & Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
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 LP1, LP3, LP4, LP7, LP20, LP21, LP22, LP24, LP26, LP30, LP33, LP51, LP52 & LP53 of the Kirklees Local Plan, and the policies within Chapters 2, 4, 6, 8, 9, 11, 12, 14, 15 of the National Planning Policy Framework.
3. No above ground development shall commence 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.
4. 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, and approved in writing by, the Local Planning Authority. 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 198 of the National Planning Policy Framework.

5. No groundworks (other than those required for a site investigation report) shall 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

8. 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 198 of the National Planning Policy Framework.

9. The development shall not be brought into use until the surface and foul water drainage scheme shown on drawing no. CRM.3030.020-ENZ-XX-XX-DR-D-0001 P01, Details Drainage Strategy and Flood Risk Statement, dated July 2025, including SuDS features, pipe layouts, manholes, attenuation areas and outfalls, has been completed which shall be retained thereafter.

Reason: To ensure a sustainable drainage arrangement and reduce flood risk to accord with Policy LP28 of the Kirklees Local Plan.

10. Notwithstanding the details shown on the submitted drawings, should new boundary treatment be required details shall be submitted and approved in writing by the Local Planning Authority, prior to their erection. The works shall then be carried out in complete accordance with the submitted details which shall be retained thereafter.

Reason: In the interest of visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

11. The development shall be completed in accordance with the advice and directions (recommendations) contained in section 4.0 and appendix 1 of the submitted Arboricultural Method Statement 3030.020.ENZ.XX.00.RP.AR.45.102. These shall be implemented and maintained throughout the entirety of the construction phase and retained thereafter.

Reason: To protect trees and in the interests of visual amenity to accord with the requirements of policies LP24 and LP33 of the Kirklees Local Plan

12. The means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the submitted plan ref. CRM3030020-ENZ-XX-XX-DR-Y-1001-P02. The means of access approved by this condition shall be fully constructed and made operational prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with policies LP21, LP22 of the Kirklees Local Plan & policies within Chapter 9 of the National Planning Policy Framework.

13. The development hereby approved shall not be brought into use until the car park has been laid out, surfaced, marked out into bays and drained in accordance with details upon submitted drawing ref A111 revC which shall be retained thereafter.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with policies LP21 and LP22 of the Kirklees Local Plan & policies within Chapter 9 of the National Planning Policy Framework.
14. The development hereby approved shall not be brought into use until details of suitable storage, bin presentation points and access for collection of wastes from the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the development is brought into use and shall be so retained thereafter
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with policies LP21 and LP22 of the Kirklees Local Plan & policies within Chapter 9 of the National Planning Policy Framework.
15. The approved landscaping scheme CRM3030020-ENZ-XX-XX-DR-Z-0001 PL01 shall be implemented by the end of the first planting season following the development being brought into use. The approved landscaping scheme shall, from its completion, be retained throughout the lifetime of the development. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. All soft landscaping shall be retained as soft landscaping for the lifetime of the development.
Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity and biodiversity and to accord with the aims of Policies LP24 & LP33 of the Kirklees Local Plan.
16. A CCTV scheme as detailed within the Design Statement, authored by bk World, received 14 July 2025, shall be installed and monitored in accordance with the Design Statement. The system shall cover internal and external areas of the premises in accordance with the drawings under the Security section of the report. The system shall be retained, maintained and fully operational for the lifetime of the development
Reason: In order to provide a safe site in accordance part e of Policy LP24 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.
17. The lighting scheme as detailed within submitted drawing titled 'Proposed Site Plan Lighting' ref A112, authored by Tesla, shall be installed in accordance with the light stray levels indicated on the plan. The lights shall be downward facing fixed to lighting columns poles that shall not exceed a height of 6.00m.

Reasons: For the avoidance of what is permitted for lighting of the site, in the interests of security and habitats and to accord with LP24e & LP35 of the Kirklees Local Plan and Chapters 8 & 15 of the NPPF.

18. No development shall commence until full details of all external materials, colours and finishes to be used in the construction of the development, including samples colour references and finish where appropriate, have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the amenity block, substations, staircase, and solar canopy. The development shall be carried out in accordance with the approved materials and shall be retained as such thereafter.

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

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.

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

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

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

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Note 01/21 for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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: Due to its location, a roost may be present on site. Bats are a European species under Conservation of Habitats and Species Regulations 2017, schedule 2. 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 the advice of licenced bat worker sought.

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
Location plan	CRM3030020-ENZ-XX-XX-DR-T-0001	P03	21 July 2025
Proposed site plan	A111	revC	21 July 2025
Elevations –	SP-100	-	05 January

Plan Type	Reference	Version	Date Received
amenity block			2026
Elevations Canopy 1	SP-101	-	05 January 2026
Elevations Canopy 2	SP-102	-	05 January 2026
Elevations Canopy 3	SP-103	-	05 January 2026
Substation elevations	CRM3030028-ENZXX-XX-DR-T-0011	-	05 January 2026
Elevations Charger unit 3	A124	-	21 July 2025
Elevations Charger unit 4	A125	-	21 July 2025
Elevations Staircase	A105	-	21 July 2025
Conceptual Illustration	A107	-	21 July 2025
Site landscaping scheme	CRM3030020-ENZ-XX-XX-DR-Z-0001	PL 01	21 July 2025
Proposed site plan lighting	A112	-	21 July 2025
Arboricultural Impact Assessment and Arboricultural Method statement	3030.020.ENZ.XX.00.RP.AR.45.102	-	21 July 2025
Arboricultural Survey Report	3030.020.ENZ.XX.00.RP.AR.45.101	-	21 July 2025
Ecological Impact Assessment	CRM.3030.020.EC.R.001	-	21 July 2025
BNG metric	-	-	21 July 2025
BK World Design Statement	-	-	21 July 2025
Geoenvironmental Phase One Assessment	CRM.3030.020.GE. R.001.B	-	21 July 2025
Detailed Drainage Strategy and Flood Risk Statement	CRM.3030.020.HY.R.001.A	-	21 July 2025
Transport Assessment	CRM.3030.020.TR.RP.001.A	-	21 July 2025
Design and access statement	CRM.3030.020.PL.R.001	-	21 July 2025
Climate change statement	-	-	21 July 2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Further details were received and accepted throughout the decision-making process.