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:	**2026/62/90653/E**
Site Address:	Land at junction of, Peel Street, Cook Lane, Centre Street., Heckmondwike, WF16 9JD
Description:	Erection of commercial unit with associated car parking and service yard
Recommending Officer:	Kerri Simpson

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: 21st July 2026

Officer Report – 2026/90653

Land at junction of, Peel Street, Cook Lane, Centre Street., Heckmondwike, WF16 9JD

Site Description

The application site is a 0.033 hectares parcel of land located on eastern side of Cook Lane, between Centre Street and Peel Street. Vehicular and pedestrian access is afforded from Peel Street and Centre Street. The site is currently vacant comprising hard landscaping and two shipping containers along with parked vehicles.

The site is bounded to the north by Centre Street, with commercial/light industrial units adjacent to the east by residential properties at No.1 and No.2 Peel Street, to the south by a commercial property and the rears of Nos 5 to 11 (odds) Jeremy Lane and to the west is the highway of Cook Lane.

The site is subject to the following planning policy designations and constraints:

- Development Low Risk (Coal Mining Legacy)
- Priority Employment Area (PEA55 - Flush Mills, Westgate) circa 6.5m to the west
- Heckmondwike Town Centre circa 65m to the south.

Description of Proposal

The Scheme

The application seeks full planning permission for the construction of a single storey Use Class Egiii unit, with a width of 12.8m, depth of 6.7m and a maximum height of 6m. It would have a Gross Internal Area of circa 72.93sqm. The building would be constructed in vertically hung composite profiled wall and roof cladding (Dark Grey – RAL 7016) upon a masonry brick plinth, with a feature soldier course. The south elevation would incorporate two steel roller shutters and two metal doors. The wider site would see the installation of a timber fenced refuse enclosure on a concrete upstand, the introduction of soft landscaping on boundaries, formalised service yard with two parking spaces (EV and Disability) and a tarmac footpath. The proposal would retain the existing boundary treatment including the site access gates along all boundaries of the site.

The submitted application form sets out the use of the units would be use Class E(c)(iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order 2015 (as amended).

History of Negotiations / Amendments Received

There were no negotiations or amendments required.

Relevant Planning History

The most relevant planning history relates to the following planning applications:
Ref: 2004/93156
Description: Erection Of 3 No. Two Bedroom Town Houses With Garages
Decision: Conditional Full Permission (24.09.2004)

Ref: 2004/90850
Description: Erection Of 3 No. Two Bedroom Town Houses With Garages
Decision: Withdrawn (21.04.2004)

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2024).

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was the 23rd June 2026.

There were no public letters of representation received.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management Team (Verbal Comments) – No objection, given the presence of an existing access, adequate parking and the limited scale of the development. It is not considered that the proposal would result in an adverse impact on highway safety.

KC Environmental Health Team – No objection**,** subject to conditions to ensure that the development does not cause harmful noise pollution, to control the house of use to ensure the proposed use does not give rise to a loss of amenity to nearby residential properties, and the submission of a Phase 2 – Remediation Strategy along with a remediation strategy and verification report. Conditions were also recommended to ensure the developer seeks planning permission prior to the installation of external lighting and to secure details of the EV charging points.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP7 Efficient and effective use of land and buildings
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP26 Renewable and low carbon energy
- LP27 Flood Risk
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality
- LP53 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, 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 4 Decision-making
- Chapter 6 Building a Strong, Competitive Economy
- 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

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

1.Principle of 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.

Policy LP13 of the Kirklees Local Plan, together with Paragraphs 91 and 92 of the NPPF, seek to direct main town centre uses to town centre locations through the application of the sequential approach, giving preference to accessible edge-of-centre sites where suitable town centre sites are unavailable. The Planning Practice Guidance advises that the application of the sequential test should be proportionate and appropriate to the proposal under consideration. The use as set out in the application form, falling within use class Egiii would be a use which does not constitute a main town centre use as defined within the annex of the NPPF.

The application seeks planning permission for the erection of a commercial unit providing circa 73sqm of Class Egiii floorspace. The application site comprises a parcel of hardstanding historically utilised for the storage of vehicles and shipping containers. It forms part of an established mixed use area comprising a row of commercial units along Cook Lane and is located immediately adjacent to the designated Priority Employment Area. The site is within an edge-of-centre location, lying circa 65m from Heckmondwike Town Centre, and therefore has a close functional relationship with the town centre. Whilst residential properties adjoin the site predominately to the east, the surrounding area is characterised by a mix of commercial and residential development.

In this regard, the proposal relates to a commercial unit of modest scale situated within an established commercial location on previously developed land. The site is not isolated and occupies an edge-of-centre position with a close physical and functional relationship to Heckmondwike Town Centre. Furthermore, the proposal would infill an existing predominately commercial frontage adjacent to established employment uses.

The existing use of the land is noted, and the fact the proposal would see an improved appearance of the site through introduction of areas of soft landscaping as well as being located in proximity to a wider priority employment area (PEA55) and provide complimentary ancillary services in relation to the wider undertakings in the locality. The unit would lend itself to a use falling within use class Eg given the design of the building.

Therefore the principle of the proposed development is considered acceptable, subject to the consideration of all other material planning considerations.

Given these conclusions it is recommended a condition ensuring the use falls within that as set out in the submitted application form (Class Egiii) is included to ensure the vitality of the nearest town centre is protected.

2.Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

The proposal comprises a modest single-storey commercial building of simple, functional design, reflecting its intended commercial use. The building would incorporate vertically profiled composite wall cladding in a dark grey finish upon a brick plinth, together with matching roller shutter doors and associated detailing. The scale, form and appearance are considered appropriate within the commercial context of the site and would not appear visually incongruous.

The proposal would also facilitate the redevelopment of an underutilized parcel of land, replacing the existing open storage arrangement of vehicles and shipping containers with a purpose-built commercial unit. In addition, the provision of soft landscaping around the site boundaries, together with defined parking and servicing area, would provide a more organized and visually coherent form of development than currently exists.

Whilst the site is visible from surrounding roads and neighbouring residential properties, the modest scale of the building, together with its commercial

appearance and relationship with the surrounding commercial uses would integrate satisfactorily within the street scene, while respecting the residential dwellings to the east. It is not considered that the proposal would result in unacceptable harm to the visual amenity of the area.

It is noted the proposal would see retention of the existing boundary treatments, which have a utilitarian appearance. It is considered that whilst an improved boundary treatment such as weld mesh fencing could be incorporated, given the general visual improvements that would arise as a result of the development it would be unreasonable of the LPA to insist upon replacement boundary treatment in this case.

Accordingly, the development is considered to accord with aims of Policies LP24 and LP13 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings 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.

The proposed building would be situated adjacent to the side elevations of No. 1 Peel Street and No. 2 Centre Street. Both neighbouring properties are served by side-facing windows which, having regard to their scale, size and relationship with the surrounding back-to-back housing, appear to serve either secondary rooms or non-habitable spaces.
The proposed building would be single storey in scale and positioned with sufficient separation from the shared boundaries and set back within the site. Consequently, even if these windows were to serve habitable rooms, the development would not give rise to an unacceptable loss of daylight, sunlight or increased overshadowing.

Whilst the rear elevation of the proposed building would project marginally beyond the front elevation of No. 2 Centre Street, it would not breach the 45-degree guideline when assessed from the nearest habitable room windows on Centre Street. It is therefore not considered that the proposal would have a harmful impact on daylight to neighbouring occupiers.

In terms of privacy, the proposed building would not contain any windows or other openings within its side elevations, nor any other openings that would afford views towards neighbouring properties. As such, the development would not result in overlooking or an unacceptable loss of privacy.

It is acknowledged that the site lies in close proximity to residential properties and that the proposal seeks approval for uses falling within Use Class E. Kirklees Council Environmental Health has therefore been consulted and has identified the potential for nearby noise-sensitive receptors to be affected by the operation of the site. To mitigate any potential impacts, conditions are recommended restricting operating hours to 08:00–18:00 Monday to Saturday and 10:00–16:00 on Sundays and Bank Holidays. No deliveries or dispatches shall take place outside these hours, and no deliveries shall occur on Sundays or Bank Holidays.

A further condition is recommended requiring the combined noise from vehicle movements, operational activities, fixed mechanical services, external plant and equipment associated with the development to be effectively controlled. The combined rating level of noise from all such sources shall not exceed the existing background sound level at any time, with both the "rating level" and "background sound level" defined in accordance with BS 4142:2014+A1:2019.

Subject to these conditions, it is considered that the proposal would not result in unacceptable harm to the living conditions of neighbouring occupiers. The development is therefore considered to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users, and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

<u>Parking and Access</u>

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required.

KC Highways Development Management were consulted on the application and raises no objection the proposed development, subject to the imposition of appropriate planning conditions.

The proposal would retain the existing vehicular access from Peel Street and provide a suitably laid-out parking and servicing area, including accessible parking, EV charging provision and Sheffield stand for cycle parking. Adequate space has been demonstrated within the site for vehicle maneuvering, enabling vehicles to enter and leave the safe in a safe manner.

Having regard to the modest scale of the proposed development, the retention of the existing access arrangements and the proposed parking and servicing provision, it is not considered that the development would result in unacceptable impact on highway safety or operation of the local highway network. Conditions requiring the parking and maneuvering areas to be laid out and made available prior to the first use of the development are considered necessary to ensure satisfactory operation of the site.

Refuse and Recycling

The submitted plans identify an area for the storage of refuse and recycling. However, given that the proposal seeks Class Egiii use, the nature and quantity of waste generated will depend on the eventual occupier. It is therefore considered reasonable and necessary to secure details of storage and collection arrangements by condition to ensure that appropriate refuse and recycling facilities are provided and can be accommodated without prejudicing the safe and efficient operation of the site or causing harm to visual amenity.

Subject to conditions, the proposal is considered to provide safe and suitable access, would not result in an unacceptable impact on highway safety and accords with Polices LP21 and LP22 of the Kirklees Local Plan, the Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Ecology and Biodiversity

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, seeks to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The application site comprises predominately hardstanding and is therefore considered to be of limited ecological value. Whilst the site falls within the Bat Alert Zone, the proposal does not involve the demolition or alteration of building or other features with the potential to support other features with the potential to support roosting bats, nor is it considered likely to result in the loss of habitats.

The proposal is also exempt from the statutory Biodiversity Net Gain requirements as it constitutes a de minimis development. The proposed landscaping would provide a modest enhancement to the appearance of the site and contribute positively to local biodiversity. Informatives are recommended to remind the applicant of their legal obligations in respect of protected species, including bats and nesting birds.

In light of the above, it is considered that the proposal would protect and enhance the natural environment and would accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Flood and Drainage

Chapter 14 of the NPFF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated Flood Zone and is not identified as being at risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this case. However, in accordance with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the NPPF, new development should still incorporate sustainable drainage solutions to ensure that surface water is managed appropriately and does not exacerbate flood risk on or off site. As such, it is considered reasonable to recommend a condition to ensure that parking areas are appropriately laid and drained in order to meet the wider aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

7. Contaminated Land

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process. Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not

cause, or result in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The application was accompanied by a Phase 1 Desk Study and Coal Mining Risk Assessment, which has been reviewed by the Councils Environmental Health Team (EH). EH have raised no objection to the proposal, subject to conditions requiring the submission of a Phase 2 Site Investigation, and where necessary, a Remediation Strategy and subsequent verification.

The site lies within a Development Low Risk Area as defined by The Mining Remediation Authority (MRA) (formerly known as the Coal Authority). Having regard to the nature and scale of the proposed works, significant coal mining legacy issues are not anticipated. The proposal is therefore considered acceptable in this regard.

An informative is recommended advising the applicant of the Mining Remediation Authority's guidance should coal mining features be encountered during construction, together with the need to obtain ay necessary permits where intrusive groundworks are proposed. Having regard to Paragraphs 196 and 197 of the NPPF, it remains the responsibility of the developer to ensure the site is suitable for its intended use and that any unexpected ground conditions encountered during construction are appropriately investigated and addressed.

Subject to the recommended conditions and informatives, the proposal is considered acceptable with regard to land contamination and coal mining legacy features, as such, the proposal would meet the aims of Policies LP53 and LP51 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF

8. Climate Change

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.

A Climate Change Statement has been submitted in support of the application setting out a range of measures to improve the environmental performance of the development. These include a fabric-first approach to minimise energy demand, insulated cavity walls and thermally efficient composite cladding

panels, thermally insulated roller shutter doors, the use of natural daylight to reduce reliance on artificial lighting, and the incorporation of sustainable drainage principles. The statement also identifies measure to minimise construction waste, source materials responsibly, and provide biodiversity enhancements through soft landscaping. Officers are satisfied that appropriate climate change mitigation and adaptation measures commensurate to the scale and nature of the development could be incorporated into the proposal. Accordingly, the development is considered to accord with Policies LP1 and LP26 of the Kirklees Local Plan, Chapter 15 of the NPPF and the Councils Climate Change Agenda.

7. Other Matters

Section 100ZA of the Town and Country Planning Act 1990, provides that pre-commencement conditions may only be imposed with the written agreement of the applicant. The Local Planning Authority is satisfied that the following conditions are necessary, relevant, enforceable and reasonable, and that the matters they address need to be resolved prior to the commencement of development.

The following pre-commencement conditions are recommended:

- Submission of a Phase 2 Intrusive Site Investigation Report - 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:** 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

- Submission of Remediation Strategy - Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition *(above)* 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. 189 and 190 of the National Planning Policy Framework.

- Implementation of the Remediation Strategy - Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition *(above)*. 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. 189 and 190 of the National Planning Policy Framework.

- Submission of Verification Report - 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 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.

Written agreement to the imposition of the above pre-commencement conditions was received from the applicant on 20th July 26 via email.

A condition restricting the use to that as set out in the submitted application form (Class Egiii) is recommended of the avoidance of doubt as to what is being considered and in light of the response of consultees being provided on the basis of this use as set out in the application form.

The recommendation from the Environmental Health Team to remind the applicant that the permission does not authorise the installation or use of external artificial lighting and electric vehicle charging infrastructure has been carefully considered. Having regard to the scale of the development together with the nature of the submitted details, it is not considered that these conditions are necessary to make the development acceptable in planning terms. As such, they have not been recommended.

8. Representations

There were no letters of representation from members of the public received.

9. 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation: Delegated Powers

Application Number: 2026/90653

Officer Recommendation: Approve

Conditions

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP8, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 6, 9, 11, 12,14 and 15 of the National Planning Policy Framework and the Provisions of the Highway Design Guide SPD (2019).

3. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation. **Reason**: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, and policies within Chapter 12 of the National Planning Policy Framework 2024.

4. The combined noise from any vehicle movements, work activity, fixed mechanical services and external plant and equipment from the proposed development shall be effectively controlled so that the

combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, 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.

5. The use hereby permitted shall not be open to customers outside the hours of:

   - 08:00 to 18:00 Monday to Saturday, and
   - 10:00 to 16:00 Sunday and Bank Holidays

   and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

   Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency’s ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking. **Reason:** In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework 2024.

7. The parking areas shown on the approved plan reference 4643/03/001revB, titled Proposed Site Plan, dated 02/26, shall be provided prior to first use of the development and thereafter retained for the parking of vehicles associated with the development.
   Reason: To ensure adequate parking provision in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.

8. Prior to the first occupation of the development hereby approved, details of the storage and collection arrangements for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented

prior to the first occupation and thereafter retained for the lifetime of the development.
Reason: To ensure satisfactory refuse and recycling facilities are provided in the interests of visual amenity and the safe operation of the development, in accordance with Policies LP24 and LP43 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework 2024.

9. 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: 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. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (08) 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 197 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (09). 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 197 of the National Planning Policy Framework. This is a pre

commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

12. 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. 189 and 190 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

13. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) and with the exception of any ancillary and associated offices the use of the building shall be for a use which falls within Class E(g)(iii) of Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only.
Reason: In the interests of maintaining shopping facilities and local services within an identified local centre and for the avoidance of doubt as to what is being approved to accord with policy LP13 of the Kirklees Local Plan and the policies contained within Chapter 7 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: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no noisy activities on Sundays or Public Holidays.

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: 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).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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: The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity, and the installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site Location Plan	4643/01/001	-	12/03/2026
Existing Site Plan	4643/01/002	-	12/03/2026
Proposed Site Plan	4643/03/001	Rev B	12/03/2026
Proposed Plans	4643/03/100	Rev A	12/03/2026

Plan Type	Reference	Version	Date Received
Proposed Elevations	4643/03/200	Rev B	12/03/2026
External work	4643/03/600	Rev A	12/03/2026
Phase 1: Desk Top Study & Coal Mining Risk Assessment Report	26-199		12/03/2026
Design and Access Statement	M4643		12/03/2026
Climate Change Statement			12/03/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. There were no amendments or negotiations required.

Report Dated: 20/07/2025