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:	2016/62/94089/W
Site Address:	Flinders Mill, St John's Road, Birkby, Huddersfield, HD1 5HU
Description:	Erection of single storey extensions and alterations to existing warehouse to form builders merchants (Sui Generis) together with ancilliary trade counter
Recommending Officer:	Matthew Woodward

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Dec-2017

SITE AND SURROUNDINGS:

The application site is located to the rear of properties on St John's Road, Birkby. The site itself comprises of an area of land which is located behind a number of residential properties and some mixed use commercial properties (commercial ground floor with residential above). The site appears to have originally been occupied for commercial purposes and there is a relatively large two storey structure located on the site which is faced in red brick.

Access to the site is located between two existing residential properties off St John's Road, and which currently serves a number of other properties (and garages). There are two large trees located to either side of the access.

As set out above, the site is located within a mixed use area, being within close proximity to the frontage of St John's Road which is one of the main commercial streets through Birkby. Common Road, which is within close proximity to the site, has various industrial/commercial activities still taking place. It is however noted that a number of residential properties do overlook the application site.

The site itself is located within the Birkby Conservation Area.

PROPOSAL:

The proposed development seeks to refurbish and extend the existing vacant two storey mill building to provide added floor area with ancillary trade counter. The application also comprises a change of use to a builders merchants; it is understood that the use has already commenced but the works to alter the building and to erect extensions have not.

Pedestrian and vehicular access into the site is proposed from a currently unmade road off St John's Road.

The existing building would undergo a facelift. The existing brickwork and associated original features would be cleaned, re-pointed and if necessary replaced to match. The pitched slated roof would be carefully stripped back to structure and insulated, waterproofed and the pitched roof re-laid using original slates and new to match existing. The original boarded / blocked up windows and door openings would be reinstated using grey framed glazing where possible in order to conserve the buildings original characteristics.

Ground floor windows and doors would incorporate an internal integrated concealed roller shutter to provide security during closed hours. All rainwater goods are to be replaced using matching profiles to existing. The proposed extensions are designed to be contemporary but sympathetic additions. A single storey extension is proposed to replace the demolished southwest leg of the building with a larger single-storey extension housing storage attached to the northeast elevation of the double-storey mill.

The proposal involves extending the existing building. The single storey extension would project beyond the rear elevation of the existing building by 9m

with a width of approximately 22m. The height to eaves of the proposed extension would be 4.2m. The extension comprises a pitched corrugated steel roof with low level brickwork to match the existing building. Proposed door and window openings are stone.

The proposed scheme provides additional floor area for storage of materials associated with the use as builders merchants. The original mill building provided 416m2 with the new proposal in combination with the existing proposals 537m2, a 29% increase in total floor area. The floor area of the proposed extension over and above the existing building is approximately 50%.

Screened bin storage is also inclusive of the proposed redevelopment provided within the waste refuse store.

Relevant Planning History

76/6361 – Erection of portakabin – approved.

77/5461 – Erection of shop frontage – approved.

2010/91693 – Change of use, extension and alterations to convert vacant mill building to form ground floor continental grocery store (A1) and first floor clothing boutique (A1). Formation of car park and access road (within a Conservation Area) – Approved.

2014/92542 - Demolition of existing buildings and outline application for erection of education and community facility (within a Conservation Area) – Approved subject to conditions.

Policies

PLANNING POLICY:

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination commenced in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National

Planning Policy Framework (2012), these may be given substantial weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE5 – Preservation/enhancement of conservation areas.
BE1 – Design principles
BE2 – Quality of design
T10 – Highway safety
B1 – Employment needs of the district
B4 – Business and industry sites
EP4 – Noise sensitive development
BE12 – Space about buildings
BE23 – Crime prevention

Kirklees Publication Draft Local Plan (PLDP) policies:

PLP1 – Presumption in favour of Sustainable Development
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP35 – Historic Environment
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land

The National Planning Policy Framework (NPPF) is relevant and referred to in the remainder of this report.

PUBLIC/LOCAL RESPONSE:

The application was advertised by site notice and neighbour notification letters. Amended plans were advertised by neighbour letter. A total of 3 objections have been received and 1 letter of support. The objections can be summarised as follows and are covered in the officer report unless otherwise stated:

- The access of St Johns Road also serves 17 private garages, a private yard and a back road to 6 houses on St Johns Road. This has been blocked numerous times by lorries delivering goods to the buildings yard as they are too long to turn into the proposed yard.

Officer response – A condition is recommended in order to improve the access to the site.

- Flinders Mill is surrounded by residential properties on 3 sides in very close proximity and already the noise is terrible.

  Officer response – Conditions recommended regarding operating and delivery hours in order to limit the impact on residential amenity.

- Surface water from the newly compacted yard is running into a gully outside Flinders Yard and this has caused flooding.

- No regard has been given to the Conservation Area as the new walls are badly laid.

- Not enough room for vehicles to manoeuvre into the site from the access road.

- Loss of privacy for properties.

- This site is currently being used as a pick up point for goods by the public and although the conditions by the council as stipulated that improvements to the road should include street lighting to be approved, the amount of traffic and parking and regulation for local residents would be detrimental to an already difficult area for parking.

  Officer response – As above. A condition is recommended.

CONSULTATION RESPONSES:

Highways DM – No objection subject to conditions. More detail contained within this report.

Drainage Officer – Object to the scheme on the following grounds:

Clayton Dike is a main river and crosses the site in culvert. The Environment Agency must therefore be consulted. Flood Management will object to any proposal to build over a culverted watercourse and the submitted plans fail to demonstrate the route of the culvert in relation to the proposed development. Building over a culvert places additional loading on the structure increasing the risk of a collapse. It also limits access for future maintenance and repair.

Flood Management therefore objects to the proposal until further details which address the above concerns are submitted.

Following the submission of additional detail by the applicant in order to address the concerns raised, no further comments have been made but the scheme has been assessed by the Environment Agency.

Environmental Health – No objection subject to conditions relating to contaminated and noise.

Environment Agency – Following an initial objection the Environment Agency have removed their objection following the submission of amended plans and additional detail. They recommend the imposition of a planning condition.

Conservation and Design – No comments received.

MAIN ISSUES

Principle
Residential Amenity
Visual Impact
Highways
Drainage
Other Issues

ASSESSMENT

Principle of development

The site comprises previously developed land located within Birkby Conservation Area on land which is unallocated in the Kirklees Unitary Development Plan. The principle of development on this site has previously been established on this site by virtue of planning permissions 2010/91693 and 2014/92452. The site has a variety of historic uses including corn mill, decorator's merchant, servicing of motor vehicles and more recently storage and distribution of goods. The applicant states that the site was purchased from the previous owners who themselves owned the property from the early 1990's. Since then the site has predominantly been used for storage and distribution (B8) of clothing and knitwear. The current proposals involve using the land as builders' merchants and this would involve the reuse of land and buildings and the development potentially supports policy PLP7 of the emerging Local Plan.

Design and Impact on Heritage Assets

In accordance with the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to preserving or enhancing the character or appearance of that area. Policies BE1, BE5 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets. Emerging Local Plan policy PLP24 promotes good design and policy PLP35 relates to the Historic Environment.

The site lies in Birkby Conservation Area (CA) and this also covers much of the surrounding area. The existing buildings and the use of the site has already had an impact on the character and appearance of the area and this is particularly evident from the alleyway (Back Blacker Road) at the back of properties on Blacker Road. The existing site is bounded on the north western side by a

dilapidated brick wall and parts of the existing mill building are overgrown. There are limited views of the site from the St John's Road from which access is taken. The site appears unkempt and the building within the site has a functional and rather neglected appearance. Overall it is not considered that the existing site makes a positive contribution to the wider CA, although the existing mill building has the potential to positively contribute to this part of the CA.

The proposed development would be well set back within the site and most obtainable views of the development would be from Back Blacker Road. Minor changes are proposed to the existing building in terms of repointing and making good as appropriate, but these alterations would not provide any significant enhancement in context of the wider CA, although there would be noticeable improvements to the existing building when viewed from the southern or eastern side, subject to conditions requiring the submission of final and full details. The proposed extension would increase the scale of development on the site but through use of appropriate materials there would not be a discernible impact on the CA and a condition could be imposed in order to ensure that sympathetic materials are used. In addition, the scale of the extensions proposed has been substantially reduced. Boundary treatment is included as part of the application along the boundary of the rear of properties on Bay Hall Common Road. A landscaping strip is also proposed within the site boundary. Overall there would be a slight enhancement to this part of the Conservation Area and planning conditions are recommended to address the boundary treatments proposed.

Overall and subject to appropriate planning condition the application would not harm the character, appearance or significance Birkby Conservation Area and is considered to represent appropriate design in accordance with policy BE5 of the UDP and emerging policies PLP24 and PLP35.

Residential Amenity

Para 123 of the NPPF indicate that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

Policy D2 of the UDP states that assessment of new development should take into account the impact on residential amenity. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

According to the representations received, the existing activities on the site have already had an impact on the amenity of neighbouring properties. This is partly due the proximity of the site to existing properties. However, it is also noted that extensive storage is, and has in the past, taken place outside in the open. Much

of the materials on site at present comprise pallets, pipes and other building materials. Generally the site is untidy.

The proposed extension is relatively large in floor space but set over a single storey and the height of the extension would be 3.9m to eaves. The roof would slope away from the nearest properties which lie off Bay Hall Common Road. The proposed extension would be positioned approximately 22m from the nearest properties to the rear and between approximately 4m and 8m from the rear yards associated with these properties. The application has been amended and the area to the rear of the proposed building now comprises a landscaped area. Importantly, this area would not be used for the storage of any materials associated with the use which currently take place and consequently, the proposal offers to reduce the impact on the nearest properties in respect of inappropriate outdoor storage which currently takes place close to the boundary of properties.

There are buildings/properties facing the site off Blacker Road but the proposed development would not significant affect the amenity of occupiers of these properties by virtue of overbearing or loss of outlook.

There do not appear to be any restrictions in terms of hours of operation governing the existing use on site. However, it is clear based on representations received that activities on site are causing issues for some local residents. It is logical to assume that the proposed extension is intended to expand the business which in turn may increase activities and the coming and going of vehicles etc. Whilst it is accepted that the proposed extension would have the benefit of containing activities inside which may otherwise take place outside, there is a strong imperative to reduce noise nuisance associated with activities that affect the amenity of occupiers, in accordance with policy EP4 of the UDP and emerging Policy PLP52 of the PDLP. Following consultation with Environmental Health, and after careful consideration concerning the potential impact on the nearest residential properties, officers recommend that a condition be imposed restriction operating hours associated with the proposed extension for a trial period of 12 months as follows:

Monday to Saturdays 07:00 - 18:30
Sundays and Bank Holidays 10:00 - 16:00

Following the 12 month period, the following hours of operation would apply:

Monday to Friday 07:30 – 18:00 Monday to Friday
08:00 to 12:00 on Saturday

With no working Sundays or Public Holidays.

The above would give the applicant an opportunity to trial extended operating hours. At the end of the 12 month period the applicant would have the opportunity to apply to vary the condition under Section 73 of the Town and Country Planning Act if they wished to continue to operate in an extended manner. The trial period would give the opportunity for the Council to assess the

impact on residential amenity and any subsequent planning application to make the 'trial' operating hours permanent could be assessed the Council having regard to the trial period as there are some concerns that extended hours could give rise to adverse impacts on amenity. The fall back position, following the 12 month period, would still allow the applicant to carry out their operations without undue restriction.

Furthermore to restrict deliveries and dispatches, a condition is recommended so that there are no deliveries to or dispatches from the premises outside the hours of 08:00 and 17:00 Monday to Friday.

The fact that the proposal involves a change of use means that additional controls can be imposed in terms of restricting the operating hours over and above the fall-back position which would be to continue to use the site for storage and distribution purposes without any control over operating hours. This would go some way to mitigating the impacts associated with using the site as builders' merchants.

Overall, it is considered that the proposed development would meet the aims of chapter 11 of the NPPF, subject to the imposition of appropriate planning conditions.

Highways

Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network.

The existing point of access would remain unaltered by the proposed development. Currently the site is accessed from St John's Road via an unadopted access. Concerns have been raised by objectors regarding the existing access arrangements and the fact that the access is often blocked by lorries and delivery goods.

Two planning consents have been granted on this site in recent years. These include an approval in 2011 for alterations and extensions to convert the existing building into a continental grocery store and first floor clothing boutique; and 2014 consent for the erection of an educational and community facility. Both the previous consents required the improvement of the existing access road leading in to the site from St John's Road by providing a hard margin to the southern side and a 2m wide footway along its northern edge. New surfacing, drainage and carriageway construction were considered necessary together with improved junction radii, dropped crossing points and tactile paving at the junction.

Highways DM have assessed the proposal and require the same level of access improvement and mitigation measures to be provided as part of this proposal. This could be secured by condition as the access from the site to the public highway is within the red-line boundary.

In terms of parking spaces, the proposed development is aimed at the trade rather than members of the public (there is a small trade counter). There are no standards directly applicable to the proposed development, although builders' merchants more closely resemble a B8 use. On this basis, there is sufficient parking within the application site (7 spaces) and there is space for vehicles to manoeuvre within the site boundary. It is likely that vehicular movements would be much less than an A1 use (which was previously approved on this site) but there would be more vans and other vehicles used in the building trade/delivering goods arriving at the site more regularly.

The site has an established B8 use and the proposal would only be acceptable if the existing access from St John's Road was improved. This represents an improvement over and above the current situation. Highways raise no objections to the scheme.

On balance, this proposal is considered acceptable in regard to highway safety and would accord with the aims of policies D2 and T10 of the UDP.

Drainage

The main issue concerns the location of a culverted watercourse which crosses the application site. The line of the culvert supersedes the original line of the watercourse as marked on the Environment Agency maps, as confirmed by the drainage officer. The application has been amended in order to remove conflict with the culvert and a 3m easement has been provided. The Environment Agency has been consulted on the proposals and they raise no objections, subject to the imposition of an appropriate planning condition. This condition is not required as the site plan specifies the easement to the culvert.

In order to ensure that the site is appropriately drained, a condition is recommended imposed requiring submission of full drainage details. The proposed development is considered to accord with the aims chapter 10 of the NPPF and Policy PLP28 of the PDLP.

Other Matters

A condition is recommended relating to waste storage areas.

Given the unrestricted nature of the existing use and the nature of the proposed use, the imposition of a condition requiring electric charging points is not considered to be necessary in this case. Environmental Health raise no air quality objections or concerns, nor request electric charging points in this case.

Conclusion

The site is located in a sustainable location being close to the road network and within close proximity of the town centre and the local centre of Birkby. Historically the site has been used for a range of different activities but the fall-back position is for the site to operate as a B8 use. There are more recent

planning consents for an A1 use (with extensions to the premises) and there is an extant planning permission for an educational facility. The principle of changing the use and extending the existing mill building for the purposes stated is considered acceptable. In addition, the proposed development offers to bring a redundant building back into use.

In terms of the impact on the Conservation Area, there are no objections and it is considered that the proposed development would conserve or enhance the Conservation Area subject to the submission of full details of the proposed materials. It is noted that the proposed offers to retain the existing mill building which is welcome and the proposed extension, whilst being large in terms of floor space, would be single storey and set behind the existing mill building.

The impact on residential amenity is considered acceptable in this case as the application includes an area of landscaping which would ensure the impact on existing residents was reduced over and above the existing situation. The building would ensure that activities that can currently take place in the open associated with a B8 use would now take place in a building. Furthermore the consent would impose hours of use/delivery restrictions for the first time.

In respect of the impact on the highway network; it is acknowledged that the change of use and extensions would potentially increase vehicular movements. However, the proposal is only acceptable on the basis that alterations and improvements are made to the existing access from St John's Road. On balance the larger vehicles associated with the use would be able to manoeuvre and park within the site.

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 that, on balance, the development would constitute sustainable development and is therefore recommended for approval.

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, as amended by the Planning and Compulsory Purchase Act 2004.

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, in the interests of highway safety, residential amenity , to mitigate flood risk, to preserve the character and appearance of the Conservation Area and to accord with Policies BE1, BE2, BE5, and T10 of the Kirklees Unitary Development Plan, PLP24 and PLP27 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. A scheme detailing the proposed access road improvements shall be submitted to and approved in writing prior to the commencement of development. The scheme shall include full sections, drainage works, lighting, signing, surface finishes, the treatment of sight lines and a timetable for implementation. The scheme shall then be implemented in accordance with the approved details and timetable for implementation and be retained as such thereafter.
   Reason: To ensure that suitable access is available for the development as the proposed development will introduce an intensification of the substandard access which is not in the interests of highway safety and to accord with policy T10 of the Kirklees Unitary Development Plan, PLP21 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

   Reason for pre-commencement condition: The change of use would lead to an increase in the number and nature of traffic movements which would need to be mitigated in accordance with an appropriate scheme and within an appropriate timescale.

4. Notwithstanding the submitted plans and information, details for walls/fencing for all boundaries of the site, including the design, height, materials, and position, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the superstructure of either extension. The development shall then be completed in accordance with the approved details before the development is first brought into use and thereafter retained.

   Reason: In the interests of visual amenity, so as to conserve the historic character of the Birkby Conservation Area, in the interest of residential amenity, and to accord with Policies BE5, BE1, and BE2 of the Unitary Development Plan, policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, details of the materials and appearance of the walls and roofs associated with the proposed development, together with full details of the works and materials proposed for

the alterations to the existing building shall be submitted to and approved in writing prior to the commencement of the superstructure of either extension. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity, so as to conserve the historic character of the Birkby Conservation Area, and to accord with Policies BE5, BE1, and BE2 of the Unitary Development Plan, policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

6. Notwithstanding the submitted plans and information, details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the superstructure of either extension. The development shall then be completed in accordance with the approved details before either of the extensions hereby approved is first brought into use and thereafter retained free of obstruction to such use.

   Reason: To comply with the Council's sustainability objectives and to accord with Policies BE1 and T17 of the Kirklees Unitary Development Plan, PLP21 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

7. Notwithstanding the submitted plans and information, details of the storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority before either of the extensions hereby approved is first brought into use. The development shall then be completed in accordance with the approved details before the building is first brought into use and thereafter retained free of obstruction to such use.

   Reason: In the interests of visual and residential amenity and highway safety in accordance with Policies BE1 and T10 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved

remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework, Policy G6 of the Unitary Development Plan and Policy PLP53 of the Publication Draft Local Plan. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

9. Before either of the extensions hereby approved is first brought into use the hardsurfaced areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority and these areas surfaced and drained in accordance with the details so approved. Thereafter these areas shall be retained surfaced and drained in accordance with the approved details.
   Reason: In the interests of highway and pedestrian safety and to mitigate flood risk in accordance with Policy T10 of the Unitary Development Plan, Policies PLP21 and PLP28 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

10. Except for the circumstances referred to in Condition 11, there shall be no activity on the premises outside the hours of 7.30 to 18.00 Monday to Friday and 08.00 to 12.00 noon on Saturdays. There shall be no activity on the premises on Sundays or Bank Holidays.

    Reason: In the interest of residential amenity and to protect nearby residents from unacceptable levels of noise and disturbance and to accord with the National Planning Policy Framework chapter 11 and policies D2 and EP4 of the Kirklees Unitary Development Plan, policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

11. Notwithstanding the requirements of Condition 10, for a 12-month trial period commencing upon the date of this permission, there shall be no activity on the premisesoutside the hours of Monday to Saturdays 07:00 - 18:30 and 10 – 16:00 on Sundays and Bank Holidays. At the end of the 12-month trial period this condition (11) shall expire and condition 10 shall thereafter apply in its entirety.

    Reason: To allow the applicant a trial period in which the local planning authority can assess the impact of the proposed hours of use and whether these can be undertaken without material harm to the amenities of the occupiers of nearby residential dwellings in terms of noise and disturbance. This would respond positively to the proposed economic growth whilst seeking to secure a good standard of amenity for existing occupiers of land and buildings in accordance with the core planning principles, Chapters 1 and 11 of the National Planning Policy, Policy D2 of the Kirklees Unitary Development Plan and policy PLP24 of the Kirklees Publication Draft Local Plan.

12. Notwithstanding Conditions 10 and 11, no deliveries to or dispatches from the premises shall be undertaken by HGVs or LGVs, as defined by the Road Traffic Act 1988 (or any Act revoking and re-enacting this with or without modification) outside the hours of 08:00 to 17:00 Monday to Friday.
    Reason: In the interest of residential amenity and to protect nearby residents from unacceptable levels of noise and disturbance and to accord with the National Planning Policy Framework chapter 11 and policies D2 and EP4 of the Kirklees Unitary Development Plan and policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan.

13. No external display or storage of goods, materials, plant, machinery or equipment shall take place on the site.
    Reason: In the interest of residential amenity and to protect nearby residents from unacceptable levels of noise and disturbance from activities associated with the external display and storage of goods and to accord with the National Planning Policy Framework chapter 11 and core planning principles, Policies PLP24 and PLP52 of the Publication Draft Local Plan and policies EP4 and D2 of the Kirklees Unitary Development Plan.

14. Prior to the commencement of the superstructure of either extension a scheme detailing landscaping, tree/shrub planting, including the indication of all existing soft landscape on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development as shown on drawing no. IQ16.027.P – 04D shall be submitted to and approved in writing by the Local Planning Authority.
    Reason: To ensure that there is a well laid out landscape scheme in the interests of visual amenity and biodiversity so as to accord with Policy BE2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and to accord with the National Planning Policy Framework Chapters 7

15. Prior to the commencement of the superstructure of either extension a comprehensive schedule of landscape maintenance, pursuant to the scheme approved condition 14, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method of site improvement,

- Where relevant removal of weed species,
- ground preparation and details of new tree and shrub planting and maintenance, and
- timescales and arrangements for its implementation.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. 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.

Reason: To ensure that there is a well laid out landscape scheme in the interests of visual amenity and biodiversity so as to accord with Policy BE2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and to accord with the National Planning Policy Framework Chapters 7 and 11.

Informatives

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.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Advice to applicant– Environmental Permitting Regulations (EPR)
This development may require a permit under the Environmental Permitting (England
and Wales) Regulations 2010 from the Environment Agency for any proposed works or
structures, in, under, over or within eight metres of the top of the bank of the Clayton
Dyke culvert, designated a ‘main river’. This was formerly called a Flood Defence

Consent. Some activities are also now excluded or exempt. A permit is separate to
and in addition to any planning permission granted. Further details and guidance are
available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-
permits.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Existing Site Plan and Section AA	IQ16.027.P - 02	B	04/01/2017
Location Plan	IQ16.027.P - 01	B	04/01/2017
Existing Plans and Elevations	IQ16.027.P - 03	B	04/01/2017
Design and Access Statement			12/12/2016
Proposed Site Plan & Section AA	IQ16.027.P - 04	D	15/09/2017
Proposed Elevations	IQ16.027.P - 06	D	15/09/2017
Proposed Plans	IQ16.027.P - 05	D	15/09/2017
Application form			04/01/2017

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. The applicant has amended the application to take into account the nearest residential properties and the proximity of a culvert which runs across the site following concerns raised by officers.

Recommendation and Authorisation Box

Officer Signature :	MW	**Date:**	14/12/2017