

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:	2021/62/90605/W
Site Address:	land at, Vanguard Processing Equipment, Spa Fields Industrial Estate, Slaithwaite, Huddersfield, HD7 5BB
Description:	Erection of an industrial building (B1(c) use)
Recommending Officer:	Katie Chew

DECISION – Full Conditions- Granted

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.

David Wordsworth

AUTHORISED OFFICER

Date: 09/04/24

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Officer Report

Site Description

Vanguard Processing Equipment, Spa Fields Industrial Estate, Slaithwaite, Huddersfield, HD7 5BB

The application site is located towards the end of the Spa Fields Industrial Estate situated on the outskirts of Slaithwaite Village. The existing site as a whole is occupied by Vanguard Processing Equipment Ltd and comprises of 1 industrial unit which was originally built in the mid 1990's. The remainder of the site (in which this application relates) comprises of hardstanding and storage containers.

To the north, east and west of the site are other industrial and commercial uses found within the estate, and to the south and west is Public Right of Way COL/87/10, further to the south is the Huddersfield Narrow Canal.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks permission for the erection of an industrial building (E(g)(iii) use).

The proposed industrial building will be located to the west of the existing industrial building currently in use for Vanguard Processing Equipment Ltd. The building will be constructed on land which currently comprises of hardstanding and will be rectangular in form, with small areas of the building protruding out to the south and east. The building will measure approximately 58m in length and 20.2m width and will have a shallow pitched roof. The building will be single storey with a ridge height of approximately 7.3m and an eaves height of around 6.2m.

The building is to be constructed from vertical metal profile cladding to the walls and roof, with artificial stone facing on the retaining wall which brings the building up to ground level. 10% of the roof will incorporate rooflights, with windows and doors are being made from aluminium.

The existing site entrance from Spa Fields is to be re-located to sit centrally within the site frontage, with a turning area provided towards the south of the site. Car parking is also proposed for 26 vehicles, this parking is shown to be provided along the front elevation of the building, with further parking shown towards the southern boundary of the site which shall be achieved by incorporating a gabion retaining wall to provide a level site. 5 Cycle spaces are also to be provided to the front of the site. Parking arrangements for the existing industrial building will be unaffected.

A bin storage area is shown to the south-east of the site.

Within the submitted application forms, it is stated that the industrial building would be used by suppliers of pre-owned and reconditioned textile machinery, with the number of full-time employees to increase from 6 to 12. Opening hours are to be Monday – Friday 06:30-17:00, Saturday 07:30-13:00 and no Sunday or Bank Holiday working.

Officer note: It is important to note that a previous application for an industrial unit was approved under application ref: 2016/92825. However, this proposal was not taken up by the intended occupier and the approval therefore lapsed on the 24th November 2019. Since this approval there have been several updates to both national and local planning policy. The proposals as submitted will therefore be assessed against up-to-date policy within this officer's report.

History of negotiations/amendments received

Amendments and additional information have been sought following on from comments received from consultees. This information includes details in regards to waste storage and collection facilities and swept paths to be shown on plan, as well as the submission of a Flood Risk Appraisal, Supplementary Flood Risk Assessment and a Drainage and SuDS Maintenance Plan. These details were all submitted by the applicant's agent and have been assessed by the relevant consultees, their comments can be found within the consultation responses section of this report.

Relevant Planning History

2016/92825 – Erection of industrial unit and repositioning of site access. Approved 24th November 2016.

2004/90053 – Erection of two storey office extension and workshop extension. Approved 6th February 2004.

94/91805 – Erection of storage shed. Approved 1st August 1994.

94/90674 – Change of use to storage and distribution depot. Approved 22nd April 1994.

Representations

Final publicity date expires:

Neighbour Letters – Expired 20th April 2021.

Site Notice – Expired 28th July 2022.

Press Notice – Expired 9th April 2021.

No representations have been received to date.

Consultation Responses

KC Highways Development Management – Comments received 7th April 2021. Highway officers raised concerns in respect to the turning head at the end of Spa Fields is part of the public highway and therefore officers would object to the loss of this existing turning facility, swept paths should be shown for a 16.5 metre articulated lorry, where gates are proposed they should be set back a minimum of 16.5m from the adopted highway boundary, no details of any proposals for the storage and collection of wastes are provided. The above information should be provided to allow officers to assess the proposals in full.

Officer note: Following several discussions between the applicant's agent and the Council's Highways team it was concluded via email on the 12th February 2024 that the existing turning facility is in private ownership and therefore is not adopted highway. However, Highway Officers still object to its removal given its public benefits. This is discussed in more detail within the highway safety section of this report.

HSE – Comments received 21st February 2022. HSR does not advise on safety grounds, against the granting of planning permission in this case.

KC PROW – No comments have been received within statutory timescales.

KC Ecology Unit – No comments have been received within statutory timescales.

KC Environmental Health – Comments received 4th June 2021. No objections to the proposals but further information is required in respect of land contamination and electric vehicle charging points, this information has been requested via condition.

Officer note: Following on from the above comments the applicant's agent submitted a Phase 1 Desk Top Study to overcome the need for a Phase 1 to be submitted prior to works commencing on site, this document has been assessed by the Council's Environmental Health team who conclude that these details are sufficient, and that their originally recommended condition relating to the submission of a Phase 1 report can be removed.

KC Trees – Comments received 21st April 2021. No objections.

Canal & River Trust – Comments received 31st March 2021. No objections subject to conditions relating to the management of Japanese Knotweed, submission of a Construction Environmental Management Plan, as well as details to be submitted of earthworks, construction of foundations and retaining structures and their relationship with the adjacent Huddersfield Narrow Canal alongside the submission of the materials of any retaining

structure and boundary treatments to ensure that they are sympathetic to the outward view of the canal.

Lead Local Flood Authority – Comments received 31st March 2021. Object to the application and require further information is provided on the flood risk to the site and surface water drainage management.

Officer note: Following receipt of the above comments the applicant's agent sought to submit additional information in the form of a Flood Risk Appraisal, Supplementary Flood Risk Assessment and a Drainage and SuDS Maintenance Plan. The Council's LLFA team reviewed the additional information and raised no objections subject to conditions relating to the submission of additional drainage details, overland flow routing, construction phase surface water flood risk and pollution prevention plan and a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge.

Environment Agency – Comments received 14th April 2021. No objection to the proposed development subject to the development being carried out in accordance with the submitted Flood Risk Assessment.

KC Designing out Crime Officer – Comments received 21st April 2021 – Provided advice and feedback, this is discussed in more detail further into the report.

KC Strategic Waste – Comments received 4th February 2022. No methane (CH₄) was detected during the last shallow spike surveys in 1995 at the nearest historic landfill site KC Ref 262, which partly appears to have been built on. Furthermore, Huddersfield narrow canal runs between the application and form landfill site, which is likely to eradicate the migration of significant levels of methane to the application site to present a hazard. In light of this, no further advisory notes or conditions are suggested.

Parish/Town Council

N/A.

Local Ward Members

Councillor McLoughlin - Believed the plans looked fine but did query whether this development, once finished, will lead to a further increase in both HGV and commuter traffic going through the centre of Slaithwaite and what is any 'travel plan' conditions could be asked for to encourage as many workers to commute to the site by means other than their cars.

Officer note: Noted. Highways officers were consulted on the proposals and stated that as the scheme is only intending to increase the number of staff from 6 to 12, a travel plan is not required in this instance. In addition, 5 cycle spaces are proposed to the front of the site.

Planning Policy Background

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 application site is allocated in the Kirklees Local Plan as a Priority Employment Area. The site is also located within Flood Zones 2 & 3, and a bat alert area. It is also important to note that there is a Public Right of Way running to the south and west of the application site, TPO trees to the south-western corner and the site is adjacent to the Canal.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective use of Land and Buildings**
- **LP8 – Safeguarding Employment Land and Premises**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP23 – Core Walking and Cycling Network**
- **LP24 – Design**
- **LP27 – Flood Risk**
- **LP28 – Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP32 - Landscape**
- **LP33 – Trees**
- **LP43 – Waste Management Hierarchy**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protecting 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) updated 19th December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development

- Chapter 4 – Decision Making
- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- 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

Other Guidance Documents:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Waste Management Design Guide for New Developments (2020)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

1.1 – 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 explored.

1.2 – Land Allocation (Priority Employment Area)

The application site forms part of a larger Priority Employment Area (PEA). The PEA (ref: KR18) which has a gross area of 15.22ha. This application site has an area of around 0.27ha.

Chapter 6 of the NPPF relates to building a strong competitive economy. Paragraph 85 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policy LP8 of the Kirklees Local Plan relates to safeguarding employment land and premises and states: *“Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area.”*

The proposals seek planning permission for the erection of an industrial building in E(g)(iii) use, an employment generating use (as defined within the Local Plan glossary), which would be provided on land already related to a E(g)(iii), previously classed as a B1(c) use. The proposal would therefore not result in the loss of an employment use but would in fact provide additional employment use at the site adjacent to the existing industrial building used by Vanguard Processing Equipment Ltd. This aspect of Policy LP8 is therefore complied with.

The proposed provision of new employment floorspace designed to meet present-day employment needs is welcomed, as is the potential job creation associated with the proposed development.

Officers are satisfied that, given the separation distances and general suitability of adjacent commercial uses, the proposals would not cause conflict with the established employment uses. This will be considered in further detail in the assessment, where relevant.

The site is also to be located on a portion of existing hardstanding and is classed as brownfield land; this type of development is actively encouraged within the Local Plan under planning policy LP7 and Chapter 11 of the NPPF.

In conclusion, the proposal would provide an employment generating use within an allocated Priority Employment Area, whilst also representing an efficient and effective use of land. Therefore, the principle of development is considered to be acceptable.

In terms of the proposed employment the proposals will bring, within the submitted application forms it is outlined that 12 full time equivalent employees would be working at the site. The provision of this modern industrial unit will also help to support employment opportunities in the area and this weighs in favour of the proposed development and accords with Local Plan Policies LP3 and LP7 by utilising brownfield land for employment generating uses.

Consideration must now be given to the developments impact upon the local area, this is assessed below.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed 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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

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

The proposed building is to be located along the western boundary of the site and is to be similar to the layout of the existing industrial building located to the east of the site which is currently in use for Vanguard Processing Equipment Ltd. The building will be constructed on land which currently comprises of hardstanding and will be rectangular in form, with small areas of the building protruding out to the south and east. In terms of the proposed buildings scale and size, the unit is to measure approximately 58m in length and 20.2m width with a ridge height of approximately 7.3m and an eaves height of around 6.2m. In respect of the design and materials proposed the unit is to be constructed utilising vertical metal profile cladding to the walls and roof, with artificial stone facing on the retaining wall. The appearance of the unit is to be simple and linear, and utilitarian and functional in design. Officers consider the layout, scale, size, design and materials of the proposed building to be reflective of other units located within the Spa Fields Industrial Estate and therefore is deemed to be acceptable.

In summary the proposed development is considered to utilise an area of hardstanding which is currently being used for the storage of shipping containers. The tidying up of this land is welcomed and given the siting, scale and design of the proposed building, it is considered that the proposal would be read against other commercial and industrial units within the immediate vicinity and would not appear visually jarring within this context.

Subject to conditions, the proposal is considered to prevent detrimental harm to the visual amenities of the area in accordance with Local Plan Policies LP1,

LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Paragraph 191 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

The proposed single storey building is considered to be sufficiently sited to prevent undue harm to any existing neighbouring residential properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect, with the nearest residential property being over 160 metres from the site (this being properties located on Radcliffe Road to the north, which is also on higher land than the site). Whilst it is acknowledged that there are additional residential dwellings located to the west and south of the site, these properties are located in excess of 160m away and therefore there are also no concerns with regards to the proposals appearing overbearing or causing harm in respect to loss of light, overlooking or loss of privacy.

In respect to noise and odour pollution, the Council's Environmental Health officers were consulted on the proposals and raised no objections. This is likely due to the site being within an existing and heavily industrialised and commercial estate, set a significant distance away from any sensitive residential noise receptors. There are therefore no concerns with regards to noise or odour pollution in this instance.

Given the above, and subject to conditions, the proposed development is considered to comply with Kirklees Local Plan Policies LP24 and LP52, and Chapters 12 and 15 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks approval for the erection of an industrial building at Vanguard Processing Equipment, Spa Fields Industrial Estate. The site is located towards the end of the Spa Field's which is an industrial estate road serving the Industrial Estate as a whole. The existing site has been occupied by Vanguard Processing Equipment Ltd for over 12 years with the original industrial unit being built in the mid 1990's. A previous planning application for an industrial unit was approved as part of the site under 2016/92825, this proposal was not taken up by the intended occupier and thus the approval lapsed in 2019.

The proposed position of the new industrial building is in the location previously approved by 2016 application albeit the entrance is shown to be set further forward and wider than the previous layout with a single sliding gate to be provided. To facilitate the positioning of the proposed building, the existing site entrance/exit is to be relocated centrally within the site frontage. This results in the loss of the existing turning head to Spa Fields.

Given the nature of the proposals the Council's Highways Officers were consulted. They note that the building will have parking spaces abutting the front elevation of the building, with additional parking on the southern boundary. This equates to 26 new parking spaces and 5 cycle spaces. Parking arrangements for the existing industrial building will be unaffected by the proposals. The total gross internal floorspace will be 1115sqm and 12 additional staff members are proposed to be employed. Swept paths are shown on the submitted site layout plan to show that a pantechicon can access the site from Spa Fields and turn within the site.

Whilst highways Officers accept the amount and location of vehicle and cycle parking and vehicle turning areas, they did raise concerns in respect of the proposed bin storage and waste collection points, swept paths and the proposed set-back from the gate. Following on from these comments a revised set of layout plans were provided which outlined revised locations for bin storage and collection points and a swept path diagram for a 16.5m articulated lorry to replace the originally submitted pantechicon. The applicant's agent also submitted a revised plan which showed that there is sufficient space for vans to turn around utilising the proposed entrance, noting that other units within this industrial estate having similar arrangements, and that each unit has sufficient tarmacked areas within their site curtilage for visiting vehicles to be able to turn around an exit in forward gear. The applicant's agent considers the request from highways officers for a setback of 16.5m from the highway to be excessive when the adopted highway terminates 30 metres past the end of the site entrance and where there is no

through traffic. The application site is not one which will have a security barrier or a security hut and therefore drivers will not need to stop and register their vehicles. The gates are to be permanently open during business hours and therefore vehicles will be able to drive straight into the site.

Officers consider that the amended plans and additional information on how the site will operate is sufficient in this instance and that the approval of this permission should not result in any detrimental impacts on highway safety, therefore these elements of the scheme are considered to be acceptable.

In addition, Highways Officers highlighted their concerns in regard to the loss of the turning facility to the front of the site and noted that they would have no objection to this facility being repositioned but that its overall loss would not be considered acceptable. However, following several discussions with the applicant's agent and the highways team it was concluded that the turning head is not adopted and therefore is in private ownership. Whilst the turning head is likely to have been used for a number of years by HGV turning around in Spa Fields, Officers did notice during the site visit that part of the turning head was covered by large storage containers and from looking at Google aerial imagery has been for more than a few years. A fall-back position therefore exists in that the owners of this turning head could close off this turning head by erecting a gate/fence and legally the Council would have no rights to enforce it to be retained as an open turning area to be used by the public. Therefore, in light of the fall-back Officers have no other option than to accept the loss of this turning facility. However, it is considered reasonable and necessary to condition that the new entrance be constructed prior to the occupation of the proposed industrial unit and that this entrance be retained free from obstructions during its lifetime, to ensure a safe and suitable access is provided to the site.

In addition, bin storage and waste collection points are outlined on the submitted plans to the south of the existing industrial unit to the east and to the south of the proposed industrial unit, Officers consider that a similar arrangement will be undertaken to that which currently operates at Vanguard Processing Equipment Ltd and therefore bin storage and collection is considered to be acceptable in this instance.

Subject to the recommended conditions, planning officers and highways officers are satisfied that the proposed development would not harm the safe and efficient operation of the highway and therefore would be in accordance with the aims and objectives of LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the Highways Design Guide SPD.

5 - Other Matters:

Impact on Huddersfield Narrow Canal

LP32 of the Kirklees Local Plan relates to landscape and notes that proposals should be designed to take into account and seek to enhance the landscape

character of the area in particular the appearance of rivers, canals, reservoirs and other water features within the landscape. Chapter 12 of the National Planning Policy echoes this view.

Paragraph 180(e) of the National Planning Policy Framework states:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans’

The application site is located adjacent to the Huddersfield Narrow Canal and therefore the Canal and Rivers Trust have been consulted on the proposals.

The Canal and Rivers Trust have assessed the impact of the development on the canal in terms of the protecting the structural integrity of the waterway, land instability, land contamination, management of Japanese Knotweed and the impact of the development on the character and appearance of the waterway.

The Canal and Rivers Trust note that the application site is supported by existing sloping land and that there are potential risks that loading from the proposed retaining structure, foundations or construction works on site could impact upon the stability of the existing cutting slope and therefore a condition is recommended, should planning permission be granted to ensure that details in respect of the location and design of any earthworks, foundations and retaining structures and their relationship to the canal are submitted to the Council prior to the commencement of works on site.

Furthermore, The Canal and Rivers Trust highlighted that the construction works in proximity to the cutting slope could also adversely impact upon the stability of the land, notably through any loading onto the structure itself from stockpiles and construction plant and equipment, they therefore also request a condition for the submission of a Construction and Environmental Management Plan (CEMP) prior to the commence of development. Officers consider the above conditions to be sufficient to mitigate against any concerns in respect of land instability in this instance.

The Canal and Rivers Trust also make reference to land contamination, which whilst covered by the Council’s Environmental Health Team, the condition requesting the submission of a Phase II Report has been updated to ensure that reference is made to an assessment on contamination in relation to this adjacent waterway.

Japanese Knotweed has been found next to the canal, in order to minimise any harm to biodiversity, the application should detail how the developer intends to manage the invasive species and what measures will be in place to prevent its spread during development. This will be secured via a suitably worded condition.

Finally, The Canal & River Trust have also commented on the application in relation to the development's impact on the character and appearance of the canal stating that the proposed retaining wall and any proposed boundary treatment could be highly visible from the canal and could impact upon the outward character and appearance of the waterway. They therefore advise that the development should aim to enhance the character of the surrounding townscape, heritage asset (including canal) and landscape. Noting that there is a risk that the retaining structure could be overly functional in appearance, the applicant should therefore ensure that the materials used within the retaining structure and within any boundary treatments are sympathetic to the outward view of the canal. This will also be secured via a suitably worded condition.

In conclusion, subject to appropriate conditions as set out above, the proposal is considered to have an acceptable impact on the adjacent Huddersfield Narrow Canal and would accord with Chapters 12 and 15 of the NPPF and Policy LP32 of the Kirklees Local Plan.

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 pre-dates 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.

In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, policies LP24(d) and LP51 of the Kirklees Local Plan and the West Yorkshire Low Emission Strategy Planning Guidance which seeks to mitigate against Air Quality harm. Given the scale and nature of the development Officers seek the provision of electric vehicle charging points at a rate of 10% of proposed parking spaces. The purpose of this is to promote modes of transport with low impact on air quality. In this case, a condition is recommended to secure the installation of electric vehicle charging points to serve the proposed industrial units.

In addition, the buildings would as a minimum be constructed to the latest Building Regulations standards which would include efficient heating and thermal elements within the buildings.

Taking the above into consideration, it is not considered necessary to request and additional information in respect of meeting the Council's sustainability objectives on this occasion.

PROW

Public Right of Way COL/87/10 runs along the southern and western boundaries of the application site. An informative will be attached should permission be granted noting that the right of way must not be impacted on as a result of works associated with this development.

Trees

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity. In this instance there are no protected trees or other significant trees within the boundary of the site. However, it is noted that the smaller trees along the southern boundary do provide some screening and likely ecological value, their retention is of benefit to the proposals.

There are protected trees offsite to the south and west, protected by TPO 18/14/W1. As the proposals do not require significant level changes to the banking around the edge of the site and the offsite trees are outside of the influencing distances of the proposals, the Council's Trees officer raises no objections to the proposals as no significant or protected trees would be affected by the scheme.

Contaminated Land

With regard to land quality, Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

A Ground Investigation Report has been submitted by Ground Investigation Specialists Limited (GIS) (ref 482) (dated May 2004). This report provides an appraisal of the site history and previous surrounding land uses, since the 1800's and a comprehensive assessment of the environmental setting. From this, it is evident that there have been potentially contaminative uses on site (and/or adjoining land) which could impact on the development and/or the environment. Intrusive site investigation work was also undertaken at that time however, the SGV's referred to have since been withdrawn and do not include several key contaminants, Environmental Health Officers therefore consider this to be a concern and require an accurate assessment of the ground conditions using appropriate up to date assessment criteria to address their concerns over the high concentration of lead that was found on the site.

Following receipt of these comments the applicant sought to submit new information 'Phase 1: Desk Top Study Report' by Arc Environmental dated 20th June 2022 (ref:21-789). Environmental Health Officers now consider the submitted information to be acceptable but note that further land contamination conditions are required to protect future users of the site.

It is therefore concluded that subject to inclusion of the above-mentioned land contamination conditions, the development accords with the requirements of Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan.

Drainage

Local Plan Policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is Chapter 14 of the NPPF.

NPPF paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is partially located within Flood Zones 2 & 3, this is land assessed as having either a 1% and 0.1% annual probability of fluvial flooding or between a 0.5% and 0.1% annual probability of tidal flooding in any year, or a 1% or greater annual probability of fluvial flooding or a 0.5% or greater annual probability of tidal flooding in any year.

KC LLFA have been formally consulted on the application and whilst they did raise some initial concerns to the scheme, following receipt of further information, the LLFA Officers are now satisfied that the new information satisfies their concerns and therefore they support the application subject to conditions in relation to foul, surface water and land drainage, overland flow routing, construction phase surface water flood risk and pollution prevention, and oil/petrol interceptors.

Considering the above, subject to the proposed conditions, the proposal is considered by Officers and the LLFA to comply with the aims and objectives of LP24, LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Crime Prevention

The Council's Designing out Crime officer has provided recommendations to the applicant, with respect to the design of the building, boundary treatments, external lighting, car, motorcycle and cycle parking and CCTV and intruder alarms, in relation to Secured by Design guidance. These are available to view on the website for the applicant to review the advice provided.

Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Given that the application site currently comprises of cleared hardstanding, it is considered that it is of limited potential to support protected species. However, measures to secure biodiversity net gains are expected given the provisions of Policy LP30 of the Kirklees Local Plan, and guidance within Chapter 15 of the NPPF. Officers consider that a bird box and bat box could be conditioned to achieve net gains.

Permitted Development Rights

Officers note that Class E(g)(iii) use could be changed to other uses within Class E and C3 without planning permission. A number of other class E uses constitute main town centre uses, including offices and retail, and it is considered necessary to restrict such a change of use outside a defined centre to protect the vitality and viability of nearby centres. There are also compatibility concerns with a residential use at the site, especially in relation to noise. For this reason, it is considered necessary to remove permitted development rights for other uses.

There are no other matters for consideration.

6 - 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. The proposal seeks an employment generating use within an existing Priority Employment Area (PEA), which would not prejudice the existing use/re-development of the wider PEA. Therefore, the principle of development is considered to be acceptable.

Officers have considered the impact on residential properties, whereby given the large separation distances there are no concerns in respect of overlooking, overshadowing, noise pollution, or the proposed building appearing overbearing in nature. Furthermore, the wider site comprises of a mix of industrial and commercial uses and therefore the proposals would not

be out of character in this location. The design and appearance of the proposed unit is considered to be acceptable and relative to its location within the Spa Fields Industrial Estate. It is also considered that the proposed access and highway impacts have been assessed on balance to be acceptable, and that subject to the recommended conditions, the scheme would not result in any undue drainage/flood risk impacts. Other planning issues, such as ecology and protected trees, have been assessed and identified not to be materially impacted upon, although a condition is requested which requires the installation of bat and bird boxes to the building in the interests of a biodiversity net gain. Overall, the proposal would see the redevelopment of an underutilised piece of land, representing investment into the area alongside the provision of new jobs, which is all welcomed. As such, the scheme accords with the purposes of the Kirklees Local Plan, National Planning Policy Framework and relevant Supplementary Planning Documents.

Taking the above into account, it is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2021/90605

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.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and 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, LP23, LP24, LP27, LP28, LP30, LP32, LP33, LP43, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. 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. The Phase II Intrusive Site Investigation Report shall also include an assessment of the adjacent canal to ensure that there is no risk of contamination towards the waterway.

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.

3. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 3 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.

4. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. 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.

5. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation 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.

6. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

7. No development shall take place until full details of earthworks, the construction of foundations and any new retaining structures on site have first been submitted to and approved in writing by the Local Planning Authority. Details shall include cross sections showing the relationship of such works to the Huddersfield Narrow Canal. The development shall thereafter be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that details on how to minimise the risk of creating land instability is agreed at an appropriate stage of the development process, in accordance with the advice and guidance contained in paragraphs 180 (part e) and 189 of the National Planning Policy Framework.

8. Prior to development commencing (including any groundworks) a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to safeguard the structural integrity of the waterway. It shall include details of the location of construction equipment and any stockpiling on site, as well as measures to protect the canal infrastructure, the wider canal corridor and its users during construction works. Details of dust suppression and protection measures to avoid any unmanaged runoff to the canal should also be provided. The agreed plans shall be adhered to throughout the construction of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that details on how to safeguard the structural integrity of the waterway have been agreed at an appropriate stage of the development proposals, to accord with Chapter 15 of the National Planning Policy Framework.

9. Prior to works commencing on the retaining structures or installation of any boundary treatments, details in respect of the materials, design and cross-sectional information of the proposed retaining walls and boundary treatments shall be submitted to and approved in writing by the Local

Planning Authority. Works shall then be undertaken in accordance with the approved details and be retained thereafter.

Reason: In the interests of visual amenity, to ensure that the retaining structure and any boundary treatment is sympathetic to the outward view of the canal, and to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the necessary design has been secured prior to works being undertaken.

10. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall detail the measures for the containment, control and removal of Japanese Knotweed found within the site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: This is a pre-commencement condition to ensure that adequate measures are in place to protect the biodiversity by preventing the accidental spread of non-native plant species within and outside of the site during and after development in line with the requirements of Policies LP30 and LP53 and Chapter 15 of the National Planning Policy Framework.

11. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To deliver effective sustainable systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.

12. The development shall not commence until an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future users, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.

13. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable discharge rate is 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure that all temporary site drainage measures are agreed at an appropriate stage of the development process to prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

14. Development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: This pre-commencement condition is necessary to ensure that all surface water arising from vehicle parking and hard standing areas which pass through oil/petrol interceptors are of adequate capacity at an appropriate stage of the development process to prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

15. The unit hereby approved shall be used as an industrial building only (falling within Class E(g)(iii)), and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1990 (as amended)(or in any order revoking or re-enacting that Order with or without modification).

Reason: To protect the residential amenity of occupants of the nearest residential properties to the site and ensure any town centre uses are appropriately assessed, in accordance with Policies LP13, LP24 and LP52 of the Kirklees Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

16. Notwithstanding the submitted plans and information, 1 new bat box and 1 new bird box shall be incorporated into the approved building during the period of construction. The boxes shall be long-lasting Schwegler type or similar and shall be located on the southern elevation of the building, away from sources of light and located at least 5 metres above ground level. The bat box and bird box shall be provided prior to first occupation of the building and be thereafter retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

17. The repositioned entrance onto Spa Fields as shown within approved GA Site Layout Plans drawing nos. 9001 P06, received 21st June 2022, shall be constructed prior to the occupation of the building hereby approved, once installed this entrance shall be retained free of any such obstruction for the lifetime of the development.

Reason: To ensure adequate and safe access into the site at all times, in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.

NOTE: The applicant is reminded that, due to the location of the public right of way (COL/87/10), the public footpath must not be impacted on as a result of works associated with this permission and it will need to remain clear and accessible at all times. No temporary obstructions including any materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the public right of way that may obstruct or dissuade the public from using the public right of way whilst the development takes place.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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

NOTE: Electric Vehicle Charging Points

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The applicant/developer is advised to contact the Canal & River Trust’s Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust’s “Code of Practice for Works affecting the Canal & River Trust”.

NOTE: Section 38 road adoption by Kirklees as a Highway Authority cannot take place unless sewerage located under the carriageway is adopted first. Therefore, all structures under an adoptable carriageway would need to meet the standards as set out by the statutory undertaker, including but not limited to *Design & Construction Guidance* and Yorkshire Water local guidance and any subsequent updates.

As part of a Section 106 agreement the Council are required to ensure the site is managed in a safe and suitable way up until adoption by a regulatory body. This requirement should also apply to drainage on the site, during the build out a management and maintenance plan including responsible management company must be secured. This could be enforced until adoption and continued for the life of the development if adoption fails. Adoption can fail at any step in the development process from concept design to site inspection post construction.

NOTE: The applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the

council serving a breach of condition notice against which there is no right of appeal.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site Layout	20-C21-01	-	26 th February 2021
OS/Location Plan	0101	P02	26 th February 2021
GA Ground Floor Plan	2000	P02	26 th February 2021
GA Roof Plan	2001	P02	26 th February 2021
GA Proposed Elevations	2100	P02	26 th February 2021
GA Site Layout Plan – Van Tracking	9001	P06	21 st June 2022
GA Site Layout Plan	9001	P06	21 st June 2022
Ground Investigations for Extensions to Vanguard Processing Equipment Limited – Supporting Information	482	-	26 th February 2021
Supplementary Flood Risk Assessment and Drainage Strategy Report – Supporting Information	AMF/FRA/Y21172	1	26 th January 2022
Drainage and SuDS Maintenance and Management Plan – Supporting Information	-	A	26 th January 2022
Design and Access Statement – Supporting Information	(20/C21)	-	26 th February 2021
Flood Risk Appraisal – Supporting Information	(20/C21)	-	26 th January 2022
Phase 1: Desk Top Study Report – Supporting Information	21-789	-	22 nd June 2022

Spa Fields Entrance Plan – Supporting Information	-	-	21 st June 2022
Spa Fields Advice Note in respect of the site entrance by Blacks Solicitors – Supporting Information	-	-	23 rd February 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments and additional information have been sought following on from comments received from consultees. This information includes details in regards to waste storage and collection facilities and swept paths to be shown on plan, as well as the submission of a Flood Risk Appraisal, Supplementary Flood Risk Assessment and a Drainage and SuDS Maintenance Plan. These details were all submitted by the applicant's agent and have been assessed by the relevant consultees, their comments can be found within the consultation responses section of this report.

Report Dated: 26th March 2024.