

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: 2021/62/90980/E

Site Address: Pennine Industrial Equipment Ltd, Manorcroft Works,
Commercial Road, Skelmanthorpe, Huddersfield, HD8
9DT

Description: Partial demolition and change of use of the existing
public house to offices, redevelopment of the public
house car park, erection of new storage
units/workshops and associated alterations (within a
Conservation Area)

Recommending Officer: Callum Harrison

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application that was resolved to be approved at the Strategic Planning Committee meeting on 23rd September 2021 and for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 30th September 2021

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 23.09.2021

Application Number: 2021/90980

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning, to complete the list of conditions including those contained within the committee report

Committee Decision: Approve in accordance with Officer Recommendation.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24, LP28, LP51, LP52 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

3. The works hereby approved to the former Chartist Public House shall be completed prior to the occupation of Buildings 5, 6, 7 or 8 as identified on the Proposed Site Plan dwg. 20/572/03f.

Reason: To secure and ensure the proposal hereby approve has a positive contribution to the Skelmanthorpe Conservation Area and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Building 8, as identified on the Proposed Site Plan dwg.20/572/03f shall be used as a B8 Storage use only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapters 12 and 15 of the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan.

5. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include – a) an assessment of all of the noise emissions from the proposed development b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation. The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapters 12 and 15 of the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan.

6. No operations or activities shall take place in Buildings 5, 6, 7 and 8 as identified on the Proposed Site Plan dwg.20/572/03f outside the hours –

- 07.30 to 18.30 hours on Mondays to Fridays;
- 08.00 to 13.00 hours on Saturdays;

With no activities or operations on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapters 12 and 15 of the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan.

7. Prior to the first occupation of any new vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas) published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

8. Prior to the development being brought into use the existing access from Commercial Road associated with the former public house has been permanently closed [and any redundant footway crossings removed, and the footway reinstated] in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To avoid danger and inconvenience to highway users and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

9. Noisy construction related activities shall not take place outside the hours of –

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan.

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

12. Submission of Remediation Strategy - Condition Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, 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. 183 and 184 of the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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. 183 and 184 of the National Planning Policy Framework

14. 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 (that part of) 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

15. 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 LP22, LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

16. Before works to the superstructure commences A scheme detailing surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

17. The works to trees shall be conducted in accordance with the information and details hereby approved. Details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to, and approved in writing by, the Local

Planning Authority, prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

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

18. The five trees to be removed, as shown on the Proposed Site Plan dwg.20/572/03f, shall be removed outside of the main bird nesting season months of February to August inclusively, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid impacts to nesting birds and comply with Local Plan policy LP30 and Chapter 15 of the National Planning Policy Framework.

19. Prior to the occupation of the development hereby approved, five bird nesting boxes shall be installed within the exterior of the new development in the same positions as shown on plan 20/572/09e.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

20. Prior to construction works of the new buildings, and demolition works of the former Chartist Public House commencing, full details of the native hedgerow to be erected along the western boundary as shown on the Proposed Site Plan dwg.20/572/03f, shall be submitted and approved by the Local Planning Authority. This hedgerow must be of a fruiting species with the submitted details including a maintenance schedule.

Reason: To ensure the visual amenity of the adjacent Skelmanthorpe Recreation Ground and to ensure a biodiversity net gain as to accord with Policies LP24 and LP30 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

21. The new workshop/storage units hereby approved shall be used ancillary to the business at Manorcroft Works, Commercial Road, Skelmanthorpe and as such shall not be sold, leased, rented or used as independent units.

Reason: In the interests of residential amenity and highways safety and to comply with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapters 9 and 12 of the National Planning Policy Framework.

22. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information –

- a) The proposed hours of operation of the lighting
- b) The location and specification of all the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site

f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required. The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants [http://www.association-of-noise-consultants.co.uk/\(020 8253 4518\)](http://www.association-of-noise-consultants.co.uk/(020%208253%204518)) or the Institute of Acoustics [\(0300 999 9675\)](http://www.ioa.org.uk) for a list of members.

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: A Standard Electric Vehicle Charging Point is one which can provide a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. 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. 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.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	01	1	18/03/2021
Existing Block Plan	02	1	18/03/2021
Existing	20/572/05	1	18/03/2021

Elevations			
Existing Floor Plans	20/572/04	1	18/03/2021
Existing Site / Block Layout	-	1	18/03/2021
Grouped Plans and Elevations	20/572/10 - Existing Public House	1	18/03/2021
Proposed Elevations	20/572/09e – Bldgs 5-8 Prop Elevs A1 1-100	4	20/09/2021
Grouped Plans and Elevations	20/572/11b – Proposed Public House Plans and Elevation	2	30/07/2021
Proposed Floor Plans	20/572/08c Bldgs 5-8	2	30/07/2021
Proposed Site / Block Layout	20/572/03f – Prop Site Plan A2 1-500	4	08/09/2021
Design and Access Statement	20/572 – revision dated 25/02/2021	1	18/03/2021
Supporting Statement	No reference (Dated August 2021)	1	21/08/2021
Coal Mining Risk Assessment	GES 1269-21	1	18/03/2021
Tree / Arboricultural Survey	SURVEY DETAILS (Dated 27/01/2021)	1	18/03/2021
Tree / Arboricultural Survey	No reference (Dated February 2021)	1	18/03/2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The original proposal saw 11 protected trees to be removed. These protected trees offer aid in screening the commercial site from view, when within the neighbouring Skelmanthorpe Recreation Ground. Furthermore, these protected trees offered visual amenity value further afield, given their height, contributing to the visual amenity of Skelmanthorpe. The removal of 11 trees was excessive given the scale of development. Thus, Officers asked the agent and applicant to revise the scheme so that less protected trees would have to be removed, which in turn would lessen the harm regarding visual amenity. The proposal was amended by removing the access to unit 5, by

connecting it to unit 6, which in turn enables fewer trees to be removed. The proposal now seeks to remove 5 protected trees, which, whilst not ideal, is considered of a level where this harm could be outweighed by other benefits. Nevertheless, officers discussed other amendments with the agent, which could have potentially further reduced the number of trees proposed to be removed. These discussions included the potential reconfiguration the car parking area to be set under the trees, then providing the access to the new units further north. However, this was dismissed, due to this arrangement not allowing appropriate access into the new units, notably units 5 and 6.

Notwithstanding the above, other amendments were made to improve the proposal. These included the removal of the proposed extension and interior changes of the main office building/factory floor, with the required office expansion/space being provided in the former pub premises, giving it a more purposeful use, and making this element an overall integral part of the works/proposals. This was not directly requested by officers but does represent a positive amendment. Following comments made by KC Ecology, the agent was asked to include a native hedgerow and bat boxes across the site, to accord with Local Plan Policy LP30, which requires all development to result in a biodiversity net gain. These were provided and can be seen on the latest set of plans.

Report Dated:

24/09/2021
