KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2022/70/90443/W**
Site Address:	Colne Valley Business Park, Linthwaite, Huddersfield, HD7 5QG
Description:	Variation of condition 2. (plans) on previous permission no.2021/93330 for erection of five storage and distribution units (Within a Conservation Area)
Recommending Officer:	Stuart Howden

DECISION – Grant Variation of Condition

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: 09-Aug-2022

Officer Report

Site Description

Colne Valley Business Park, Manchester Road, Linthwaite, HD7 5QG

The site comprises a roughly rectangular area of hardstanding, which is partly vacant (enclosed by Heras fencing) and partly used for parking at its eastern and southern ends (presumably in connection with the commercial premises within Colne Valley Business Park). The site is on a prominent corner plot, with Manchester Road to the north west and Hoyle House Fold to the south west. The south and east boundaries of the site are enclosed by a 3 storey stone mill building which accommodates a number of commercial uses. Access to the site is gained from Manchester Road at the North East corner of the site. The site is relatively flat and sits at a lower level than parts of the adjacent highway with the surrounding land rising from North East to South West.

The site is surrounded by a mixture of commercial and residential units, with commercial units to the South and East of the site (part of Colne Valley Business Park) and residential and commercial uses across Manchester Road and Holyle House Fold from the site. Stone is the predominant construction material in the locality.

The site is located within the Linthwaite Conservation Area. Across Manchester Road from the site is a Grade II listed building (22, 24 Holywell and 1026,1028,1030,1032 Manchester Road). The site is partially located within Flood Zone 2 and a culverted watercourse runs through the site.

Part of the site (to the North West) is within the designated Linthwaite Local Centre.

Description of Proposal

Planning permission is sought to vary condition 2 of 2021/93330 for the erection of five storage and distribution units, which was granted on 17th December 2021.

Condition 2 of permission 2021/93330 relates to the plans and details approved under the application, and reads as follows:

> *"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 LP7, LP8, LP13, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP35, LP43, LP51, LP52 and LP53 of the*

Kirklees Local Plan and policies within chapters 2, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework."

This Section 73 application seeks to vary the approved plans due to design changes proposed in these revised plans. The siting and footprint of the building would be the same as approved, as would the ridge height, but the eaves height would be increased from 3 metres to 4 metres thereby resulting in a shallower roof pitch. To the south elevation, larger openings are proposed as a result of this increase to the eaves height.

History of negotiations/amendments received

Officers raised concerns with the height of the building initially proposed as well as the materials, but following a number of discussions amended plans with a lower building height and suitable materials were submitted and these overcame such concerns.

Relevant Planning History

- 2007/92447 – Demolition of existing industrial unit and erection of new unit for food retail use with associated access, servicing and car parking (within a Conservation Area) – Approved in October 2007.
- 2007/92448 – Demolition of existing industrial unit and erection of new unit for food retail use with associated access, servicing and car parking (within a Conservation Area) – Approved in October 2007.
- 2010/93108 – Extension of time limit for implementing existing permission number 2007/92247 for demolition of existing industrial unit and erection of new unit for food retail use with associated access servicing the car park (within a conservation area) – Approved in August 2011.
- 2010/93109 – Extension to time limit for implementing existing permission number 2007/92448 / 2007/92447 – Approved in August 2011.
- 2012/92593 – Erection of food retail unit, formation of amended access, delivery and plant yard and installation of ATM and demolition of building and part demolition of wall – Approved in November 2012.
- 2012/92594 – Conservation Area Consent for demolition of building and part demolition of wall – Approved in November 2012.
- 2021/93330 – Erection of five storage and distribution units – Approved on 17th December 2021. This current application seeks to vary condition 2 of this permission.

Representations

Final publicity date Expires:
Neighbour letters expired on 20th April 2022; Site notice expired on 8th April 2022; Press notice expired on 24th April 2022.

1 representation has been received objecting to the application. A summary of the comments raised are below, with full comments being able to view on the Council's Planning Webpage:

- Nearby residents already subjected to excessive noise 24 hours a day from retail units and additional units would be detrimental to the living environment of residents.
- There are ample storage and distribution units available locally and the area needs affordable housing. Previous planning applications were passed for housing, not business units. The current industrial estate has empty units.

Whilst amended plans have been received and accepted, it was not considered necessary to reconsult as these reduced the scale of the building and resulted in a more sympathetic choice of materials.

Consultation Responses

Environment Agency: No comments received.

Health and Safety Executive: No objections

KC Conservation and Design: Based on the initial scheme for a larger building – object due to the harm to the significance of nearby listed building group and the Linthwaite Conservation Area.

The scale of the scheme has now been reduced, but additional comments from the Conservation Officer have not been sought.

KC Crime Prevention: No objections subject to conditions.

KC Environmental Health: The comments raised for 2021/93330 remain relevant.

KC Highways Development Management: No comments received.

KC Lead Local Flood Authority: No comments received.

The above is a summary of the comments received and full comments are available on the Council's Planning Webpage.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the Kirklees Local Plan 2019, but the site is located within Linthwaite Conservation Area and within close proximity to a Grade II listed building. The site is partially located within Flood Zone 2 and a culverted watercourse runs through the site. Part of the site (to the North West) is within the designated Linthwaite Local Centre.

Kirklees Local Plan (LP):

- LP1 – Presumption in favour of 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
- LP13 – Town centre uses
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP35 – Historic environment
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **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
- **Chapter 16** – Conserving and enhancing the historic environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019)
- Linthwaite Conservation Area Appraisal
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Flooding risk and drainage
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Review of planning conditions
8) Conclusion

1 – Principle of development:

In this instance, the principle of the erection of the building to accommodate 5 storage units at the site has already been established through the approval of planning application 2021/93330, and this proposal does not seek to increase the footprint of the building or change the siting of this building

This application looks to vary the design of the building and this could be acceptable subject to the impacts upon the visual amenities of the locality, the heritage assets, residential amenity, highways safety as well as other matters, which will all be discussed below.

2 –Impact on visual amenity (including heritage considerations):

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

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

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

Policy LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…"

The site is located to the north-west of Linthwaite Conservation Area. To the north of the site, across Manchester Road, lies a short terrace of mid-19th Century Grade II listed dwellings, which are broadly contemporary with the earlier mill/site development.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 of the Kirklees Local Plan states that *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

The site forms part of a late 19th Century textile mill complex, latterly known as Spring Grove Mills, and comprises the cleared site of a collection former single-storey workshops which were erected from the early 20th Century. The stone boundary wall bordering Manchester Road was reduced in height and capped when the former workshops were cleared around 2012. The former stone workshops at the site were enclosed and largely screened by the stone boundary wall, due to the use of low, slate/glazed, north light roofs at the west end of the site and the shallow-pitched corrugated roof at the east end.

The cleared building group was consistent with the simple architectural forms, character and materiality of the later 19th Century mills which remain a characteristic feature of Linthwaite Conservation Area. The single-storey workshops were constructed from stone with the buildings having minimal external features and large floorplates.

The original scheme, which this application seeks to vary, was considered to prevent detrimental harm to the visual amenities of the locality, as well as harm to the significance of the Linthwaite Conservation Area and nearby Grade II listed building.

Under this Section 73 application, initially it was proposed to increase the eaves height to 7 metres and ridge height to 8 metres thereby raising the street frontage vertically by 4 metres. The Conservation Officer and Officers considered that this would have a dominating impact on the streetscape and would obscure the view of the mill building which is considered to be a positive contributor towards the significance of the conservation area. The mixture of materials proposed was also considered to be uncharacteristic of the locality thereby exacerbating the harm.

Officers raised their concerns with the initial proposal with the applicant's agent, which led to number of rounds of amendments being submitted. The current plans now propose no change in height to the ridge of the approved building, but a 1 metre increase in the height of the eaves (taking them to 4 metres), whilst also using the same materials as approved (stone for the walls under a metal sheeted roof). The proposal does not alter the footprint or siting of the building.

A building of a single storey height is considered to be acceptable in this context. However, the increase in height of the eaves would increase the street frontage vertically by a metre and this would increase the prominence of this structure within the streetscene, and this frontage would also be blank. Given this, it is considered that this would be slightly oppressive from Manchester Road, but it is noted a wall of a not too dissimilar height previously sat on this boundary. Whilst this element of the proposal is considered to prevent detrimental harm to the visual amenities of the locality, there is considered to be less than substantial (but minor) harm to the significance of the Linthwaite Conservation Area. However, given the single storey scale and use of natural stone it is considered that this would not harm to the significance of the nearby listed buildings across the road.

The change in the gradient of the roof pitch is not considered to be alien within the streetscene and the changes to the openings on the south elevation are considered to have a negligible impact upon the character and appearance of the area. These elements are not considered to cause harm to the significance of any heritage assets.

Should permission be granted, again, further details of the roof materials, including the profile, as well as the stone to be used can be conditioned to ensure that high quality materials are to be used within the conservation area.

No changes are proposed regarding hard landscaping.

The NPPF outlines that if harm to heritage assets is less than substantial, it should be weighed against the public benefits of the scheme (Paragraph 202).

In this case, as outlined above there is considered to be less than substantial (but minor) harm to the significance of the Linthwaite Conservation Area by virtue of the increase in the eaves height, thereby the public benefits to outweigh this harm are required.

Chapter 6 of the NPPF relates to building a strong competitive economy, and Paragraph 81 sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 81 goes on to note that 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. Chapter 11 also outlines that substantial weight should be given to the value of using suitable brownfield land within settlements. The proposal would help support economic growth in the area and create jobs which weighs in favour of the proposal, and this proposal would be in a sustainable brownfield location too. On balance, these public benefits are considered to outweigh the less than substantial harm identified.

Subject to conditions, the proposal is therefore considered to be in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *"They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings".*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 185 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.

Despite the increase in eaves height, the building would still have a similar ridge height to as already approved, and this single storey building is considered to be sufficiently sited to prevent undue harm to any neighbouring residential properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.

A third-party representation has expressed concerns with noise from the proposed development. Whilst this is acknowledged, the principle of five storage units with a similar footprint on this site has already been established

through the original application. The proposal would just increase the eaves height by 1 metre whilst making alterations to the openings. It is not considered that such changes would result in materially different levels of noise above the approved scheme.

It should also be noted that the original permission conditioned a noise impact assessment to protect the amenity of nearby existing residential properties, and this would be conditioned again. The assessment should include noise attenuation measures.

No information has been received in relation to external lighting again, and given that artificial lighting could unduly impact upon neighbouring residential properties, it is again considered necessary to attach the condition regarding a lighting scheme should external lights be proposed.

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

4 – Impact on highway safety:

Kirklees Highways Development Management have not provided formal comments in relation to this application, but did provide comments on the original application.

The proposal does not alter the approved layout of the site, with the proposal still providing 10 additional parking spaces at the site (21 parking spaces overall). Kirklees Highway Development Management stated that such an arrangement was acceptable for the approved scheme and would prevent detrimental harm to the highway network. Given that the proposal is only for an increase in the eaves height and external alterations to the building, it is considered that such an arrangement is still acceptable.

The bin storage area is located within the same accessible location as approved and is of the same scale.

Subject to parking spaces within the proposed plan being provided on site prior to the first use of the development, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Flooding risk and drainage:

The site is partially within Flood Zone 2 (land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (area at medium risk of flooding)) and a culvert runs through the site.

Paragraphs 159-163 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

A sequential test was not deemed necessary last time as all operational development was proposed in Flood Zone 1 (lower probability of flooding) and the siting of the building is not proposed to change under this application.

As part of the site is partially within Flood Zone 2 and a culvert runs through the site, a Flood Risk Assessment was provided alongside the original application. Given that the operational development was proposed on land falling within Flood Zone 1 and that the Environment Agency considered the building to be 'well away' from the culvert through the site, the Environment Agency raised no objections to the proposal. The Environment Agency were consulted on this Section 73 application, but no comments have been received, but the siting and footprint of the building would be similar to the one already approved on the site (i.e. within Flood Zone 1 and away from the culvert).

In relation to the original application, a Flood Risk Assessment and a Sustainable Drainage Assessment were submitted and Kirklees Lead Local Flood Authority raised no objections to the proposal, subject to conditions. Given that the siting and footprint of the building is to be similar than the approved building, subject to similar conditions, it is considered that the proposal would not increase the flood risk on the site or elsewhere, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

6 – Other matters:

Climate Change:
On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

It is considered that the proposed alteration to the scheme does not require additional measures above what has already been approved at the site (i.e. an EV charging space) so as to combat climate change.

Ecology:

It is considered that the alterations to the proposed building would not increase the likelihood for harm to protected species. A condition is attached to the original permission for bat and bird boxes and this condition can once again be attached to secure biodiversity net gains.

Contaminated Land:
The Kirklees EHO previously noted that the proposed development site is shown as being potentially contaminated from its former use (our site reference 49/14), therefore staged conditions were attached to protect future users of the site. Such conditions shall therefore be attached again.

Construction Noise:
The EHO previously requested that a condition is attached in relation to construction hours to prevent nuisance to neighbouring residential properties. However, given that construction practices are covered by other legislation, it is not considered necessary or reasonable to condition this, but a planning informative can be attached.

Crime Prevention:
The Designing Out Crime Officer has raised no objections to the proposal subject to conditions relating to security. As no such conditions were attached to the original application, it is not considered reasonable to attach such conditions in this instance. Nonetheless, it is considered that the conditions requested would not be necessary to make the development acceptable, but the applicant is advised to take into account the advice of the Designing Out Crime Officer.

7 – Representations:

1 representation has been received objecting to the application. The comments raised are addressed below:

Third Party Comment: Nearby residents already subjected to excessive noise 24 hours a day from retail units and additional units would be detrimental to the living environment of residents.
Officer Response: This matter is addressed in Section 3 of the assessment (above).

Third Party Comment: There are ample storage and distribution units available locally and the area needs affordable housing. Previous planning applications were passed for housing, not business units. The current industrial estate has empty units.
Officer Response: The principle of the storage units was established under 2021/93330 and this application only looks to make alterations to the design of these units. This previous application considered that storage units on the site did not conflict with the development plan.

8 – Review of Planning Conditions

The conditions attached 2021/93330 are set out below:

The following conditions will be re-issued as they are considered to remain relevant:

- 3. Details of external materials.
- 5. Noise Impact Assessment.
- 6. Bat and bird boxes to be incorporated into the approved building.
- 9. Scheme restricting the rate of surface water discharge from the site.
- 10. Temporary surface water drainage details.
- 11-15. Phase contaminated land conditions.
- 16. External artificial lighting details.

The following conditions shall be reworded:

- 1. Time: This shall reflect the date development shall begin by.
- 2. Approved plans: The plans and specification table will be amended to reflect the plans approved under this Section 73 application.
- 4. Details of bin store: To state notwithstanding the bin store displayed in the amended plans.
- 7. In accordance with parking, turning and vehicular access displayed on approved plan: Changed to reflect amended plan.
- 8. Electric vehicle charging point within approved parking area: Changed to reflect amended plan.

9 – Conclusion:

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

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

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2022/90443
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun before 17th December 2024.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP8, LP13, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP35, LP43, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the construction of the building hereby approved above slab level, details of the external facing material and roofing material of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity, to preserve the significance of the Linthwaite Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior the first use of the development hereby approved, and notwithstanding the details of the bin store to the east of the building on Drawing No's. 0152-DR-0100 Revision P02 and 0152-DR-0102 Revision P02 received on 30th June 2022, full design details of the bin/refuse store, including siting, height and materials, shall be submitted to and approved in writing by the Local Planning Authority. The refuse/bin store so approved shall be provided prior to the first use of the development hereby approved and thereafter retained.
Reason: In the interests of visual amenity, to preserve the significance of the Linthwaite Conservation Area, in the interests of highway and pedestrian safety and to accord with Policies LP24, LP35 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 16 of the National Planning Policy Framework.

5. Prior to the first use of any of the storage and distribution units hereby approved, 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 noise emissions from the proposed development

a) details of existing background and predicted future noise levels at the boundary of noise sensitive premises.
b) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate
c) a written scheme of any necessary noise attenuation measures and demonstrate how nearby residents will be protected from noise from the proposed development

The assessment shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations.

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 ensure the amenities of nearby noise sensitive properties are not compromised and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. A bat box and a bird box shall be incorporated into the approved building; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light. The bat box and bird box shall be provided prior to first occupation of any of the storage and distribution units hereby approved and 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.

7. The approved storage and distribution units hereby approved shall not be brought into use until all areas to be used for parking, turning and vehicular access as shown on Drawing No. 0152-DR-0100 Revision P02 received on the 30th June 2022, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 and fully made operational. Thereafter the parking spaces shall be retained, surfaced, and marked out in accordance with these approved details.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements, parking, and to avoid an increase in surface water run-off, in accordance with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

8. Prior to first occupation of any of the storage and distribution units hereby approved, an electric vehicle recharging point shall be installed at one of the provided parking spaces as shown on Drawing No. 0152-DR-0100 Revision P02 received on 30th June 2022. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps

and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

9. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3.5 litres per second to watercourse, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event with a 20% allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.
Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of National Planning Policy Framework

10. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation 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 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: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11. 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 Chapter 15 of the National Planning Policy Framework.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 Chapter 15 of the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) 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 Chapter 15 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). 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 Chapter 15 of the National Planning Policy Framework.

15. 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. 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 Chapter 15 of the National Planning Policy Framework.

16. Prior to the installation of external artificial lighting at the site, 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.
a) The location and specification of all of the luminaires.
b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
c) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
d) 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.
e) 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 Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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.

NOTE: 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.

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) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Notes for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone.

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: There is an unnamed main river running along the eastern site boundary in a privately owned and maintained culvert. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river.
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).
- on or within 16 metres of a sea defence.
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance the applicant can visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans and details pursuant to 2022/90443			
Application Form	-	-	9th February 2022
Proposed Ground Floor Plan	0152-DR-0100	P02	30th June 2022
Proposed Roof Plan	0152-DR-0101	P02	30th June 2022
Proposed North & South Elevations	0152-DR-0102	P02	30th June 2022

Plan Type	Reference	Version	Date Received
Proposed East & West Elevations	0152-DR-0103	P02	30th June 2022
Proposed Section AA	0152-DR-0104	P02	30th June 2022
Cover Letter dated 9th February 2022 by Boyer	21.5014	-	9th February 2022
Heritage Addendum dated March 2022 by Bidwells	-	-	8th March 2022
Plans and details pursuant to 2022/93330			
Application Form	-	-	20th August 2021
Site Location Plan	0152-DR-0010	P01	14th December 2021
Site Block Plan - Existing	0152-DR-0011	P01	14th December 2021
Existing Ground Floor Plan	0152-DR-0012	P01	14th December 2021
Existing Roof Plan	0152-DR-0013	P01	14th December 2021
Existing North and South Elevations	0152-DR-0014	P01	14th December 2021
Existing East and West Elevations	0152-DR-0015	P01	14th December 2021
Existing Section AA	0152-DR-0016	P01	14th December 2021
Transport Statement by Motion dated 6th August 2021	-	3	20th August 2021
Flood Risk Assessment by GeoSmart dated 13th August 2021	74936	R1	20th August 2021
Sustainable Drainage Assessment by GeoSmart dated 10th November 2021	74936.2	R3	11th November 2021
Swept Path Analysis - 16.5 Articulate Vehicle	2105019-TK01	E	15th December 2021
Swept Path Analysis – Box Van	2105019-TK02	E	15th December 2021
Swept Path Analysis - Car	2105019-TK03	A	15th December 2021
Swept Path Analysis - Car	2105019-TK04	A	15th December 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 Authority have, 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.

Officers raised concerns with the height of the building initially proposed as well as the materials, but following a number of discussions amended plans with a lower building height and suitable materials were submitted and these overcame such concerns.

Report Dated: 09.08.2021