Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/90443/W

To: Zoe Curran
Boyer Planning
2nd Floor, 24, Southwark Bridge Road
London
SE1 9HF

For: Primezone Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITION 2. (PLANS) ON PREVIOUS PERMISSION NO. 2021/93330 FOR ERECTION OF FIVE STORAGE AND DISTRIBUTION UNITS (WITHIN A CONSERVATION AREA)

At: COLNE VALLEY BUSINESS PARK, LINTHWAITE, HUDDERSFIELD, HD7 5QG

In accordance with the plan(s) and applications submitted to the Council on 08-Mar-2022 [together with those plans and application(s) submitted to the Council on 24-Aug-2021 and incorporated into planning permission 2021/93330 granted on 17-Dec-2021] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun before 18th 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
b) details of existing background and predicted future noise levels at the boundary of 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 with noise attenuation measures as appropriate
d) 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 wellbeing 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.
b) The location and specification of all of 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 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 13.00 hours, 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
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.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**

- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 10-Aug-2022

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision.
These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/70/90443/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
