

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:	2022/62/93766/W
Site Address:	Syngenta Ltd, Leeds Road, Huddersfield, HD2 1FF
Description:	Erection of three industrial sheds on existing industrial site
Recommending Officer:	Farzana Tabasum

DECISION – Full Planning Permission -Granted

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 10/07/24

Site Description:

The application relates to an area covering approximately 620.0 sqm (as stated on the application form) within in the south east part of the Syngenta site, which currently accommodates a number of buildings, along with soft landscaped areas and hardstanding external storage areas, all of which appear to be used in association with the existing operations at this established industrial complex.

The application site (red line) is bounded by wooded areas to the east, south and west with buildings/development beyond. Lees Beck runs north to south through the site and a main spinal access road serves various parts of the Syngenta site including that of this application red line.

Description of Proposal:

The proposed development proposes the construction of three stand alone buildings noted as:

- **a new warehouse** - The largest of the three proposed buildings which is shown to be located on the existing hard standing to the east side of the site. two new access ramps will be formed as part of the works, to allow level access into the building via two roller shutter doors. Proposed measurements /footprint, as shown on drawing 13 rev 1, is 20.0m by 15.5m with a height of 6m to the eaves and overall height to 8.0m (as indicated on drawing no 25 Rev 1).
- **new store room** – this is shown to be sited on what is stated to be “the edge of the existing brownfield land”, on the western side of the application red line. The building will have a dual pitch roof, and shown to be accessed by a modified hardstanding area to the front of the building. Proposed measurements/footprint, as shown on drawing 17 rev 1, is 16.14m by 10.75m with a height of 4.5m to the eaves and overall height to 6.0m (as indicated on drawing no 25 Rev 1).
- **new charging room building** – this is the smallest of the three proposed buildings, which would have a dual pitch roof and large roller shutter door, providing level access from the modified hard standing in front of the building. Proposed measurements/footprint, as shown on drawing 15 rev 2, is 7.00m by 5.20m with a height of 4.5m to the eaves and overall height to 5.0m (as indicated on drawing no 25 Rev 1).

The proposed buildings are shown highlighted green on page 14 of the accompanying design and access statement. Notwithstanding the submitted drawings which indicate the walls and roofs to be externally faced in metal cladding, with a RAL green 100 60 20 colour, confirmation was received from the applicant/agent in an email dated 16/11/2023, that RAL 7038 is the intended colour finish.

The submitted design and access statement also makes reference to other development, namely the creation of a new tank farm, and an overhead

services bridge, alterations to an existing building, which is are stated would be carried out under permitted development rights. These elements do not form part of this application and the agent/applicant was advised to ensure they either submit a formal application for a certificate of lawfulness for the proposed development or satisfy themselves to ensure these works are covered under permitted development rights.

The application form states that there will be no change to the current level of employees on site.

History of negotiations/amendments received:

A number of extensions of time were agreed during the course of the application to allow the applicant to address concerns raised by consultees, which required additional details/revised plans to be submitted.

Relevant Planning History:

The site has a long history of planning applications relating to the Syngenta site:

99/50/93008/W0 – Deemed Hazardous Substances Consent for the presence of Chlorine (A6) Formaldehyde (A10) Methanol (A20) Dimethyl Carbamoyl Chloride (A31) Acrylonitrile (A33) flammable substances (A63) very toxic substances (B1) toxic substances (B2) oxidising substances (B3) substances dangerous for the environment (B10) other substances (B11) (granted 22 May 2000)

2002/90098 – Express Hazardous Substances Consent for the storage of 9 tonnes of very toxic materials (granted 6 August 2002)

2002/92317 – Hazardous Substances Consent for the storage of toxic substances without a condition attached to a previous consent (granted 8 August 2002)

2002/93231 – Hazardous Substance Consent for the storage of very toxic and toxic substances dangerous for the environment without a condition attached to previous consent 99/93008 (granted 24 June 2008)

2003/94173 – Express Consent for the storage of Cyhalothrin (granted 15 January 2004)

2004/92121 – Express Hazardous Substances Consent for the storage and use of ethylene oxide and dimethyl sulphate (granted 15 April 2005)

2004/92824 – Express Hazardous Substances Consent for the storage and use of toxic substances (granted 15 April 2005)

2009/91533 – Variation to deemed hazardous substance consent 99/93008 in order to increase the approved storage capacity for one very toxic substance (granted 1 October 2009)

2011/90100 – Express hazardous substance consent for the storage and processing of 1,1 - Dimethyl - 4,4 - Bypyridium and 2 - Amino - 4,5 - Dihydro - 6 -Methyl - S - Triazolo (1,5 - Alpha) Pyrimidin - 5 – One (granted 23 August 2011)

2011/90099 – Variation of deemed Hazardous Substance Consent (99/50/93008/W0) to specifically identify the storage and use of 1,2 dibromoethane as a named substance which was previously included under the generic toxic substances category (granted 3 January 2012)

2011/92333 – Express Hazardous Substance Consent for the storage and use of Hidroxylamine Sulphate (granted 16 November 2011)

2012/90657 – Variation of hazardous substance consent (03/51/94173/W0) to allow an increase in the storage capacity of cyholothrin from 33 cubic metres to 43 cubic metres (granted 18 December 2012)

2012/90920 – Variation of hazardous substance consent (03/51/94173/WO) to allow an increase in the quantity of cyhalothrin stored/used at the site up to a maximum of 35 tonnes (granted 18 December 2012)

2015/91504 – Express Hazardous Substance Consent for the storage and use of substances that are very toxic, toxic, and dangerous to the environment and water-reactive materials (awaiting decision)

2018/52/93629 – Variation of deemed Hazardous Substance Consent (2011/52/90099/W) to allow the expansion of an existing process which will result in an increase in the amount of materials categorised as toxic, flammable and hazardous to the aquatic environment handled on site (granted 02 May 2019)

2019/ CL/91668/W - Certificate of lawfulness for existing use of single storey modular building (granted 18 July 2019)

2021/90158 - Erection of warehouse with external storage yard –(Granted 29 September 2021) subject to pre commencement conditions

2021/93088 - Express hazardous substance consent for storage and use of dangerous substances dangerous for the environment B10 (i and ii) – (granted 20 October 2022)

2023/91265 - Express hazardous substance consent to expand capacity of product already manufactured on site in a controlled and regulated environment by repurposing existing production plant; increase the existing site inventory of flammable liquid substances classified as hazardous to the aquatic environment and potentially self-reactive substance already stored and handled on site – under consideration – (granted 30th April 2024)

Representations:

The application was advertised by the following means:

Neighbour notification letters. The expiry date for comments expired 30/12/2023

No representations have been received.

Consultation Responses:

The following is a summary of consultee advice (more details are contained in the assessment section of the report, where appropriate):

Health and Safety Executive (HSE): Does not advise against the granting of planning permission.

Environment Agency: Following a number of objections due to insufficient information contained within the Flood Risk Assessment (FRA),

An FRA (addendum) by Ramboll UK Ltd, referenced 1620015210, V1.11.0 and dated 11 August 2023, was received on 12th September 2023. Following consideration of this further information, the EA removed their objection on 03/10/2023 subject to their recommended condition and informative notes to be included on decision notice.

DM Highways: No objections and no conditions suggested.

Lead Local Flood Authority: initial objection removed to surface water. However, further information is required in relation to safe refuge areas in the proposed buildings. See assessment below.

Yorkshire Water: No objection subject to conditions and advisory note

K.C. Ecology: Support subject to condition requiring further report/details.

K.C. Environmental Health: conditions recommended.

Policy:

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

The site is designated as a Primary Employment Area within the KLP.

The following policies within the Plan are most relevant to the determination of this application:

LP3 – Location of new development

LP8 – Safeguarding employment land and premises

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP27 – Flood Risk

LP28 – Drainage
LP30 – Biodiversity and geodiversity
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 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6 March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

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

Section 6 – Building a strong, competitive economy
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

Assessment:

Principle of development

The application site lies within a designated Priority Employment Area (PEA14). Within the KLP, Policy LP8 advises that proposals for development or re-development for employment generating uses in Priority Employment Areas will be supported where there is no conflict with the established employment uses.

This employment area was assessed as part of the Council's PEA Assessment (HUD14) and was considered as strategically significant. It is large and includes the Syngenta works and comprises a number of specialist units. The allocation of the site as a PEA allows for turnover and supports the growth aspirations of small and medium sized businesses (SMEs) in Kirklees. In this case, the proposal is for the erection of three industrial sheds all of which fall within a 'B' use class. The application states there will be no increase or decrease in the number of employees, the proposed buildings are to support the current industrial operations of the site and established employment uses as such would comply with the objectives of Policy LP8.

The proposal is therefore considered acceptable in principle as it supports the objectives of the PEA and it is therefore in accordance with Policy LP8.

Design

Policy LP24 of the KLP confirms that good design should be at the core of all proposals and, amongst other matters, at LP24(a), that the form, scale, layout and details of all development should respect and enhance the character of townscape, heritage assets and landscape.

There are no designated heritage assets within or close to the application site.

The application site lies within a Primary Employment Area with the surrounding area being mixed in character. Whilst dominated by employment uses, there are also residential properties within the locality, mainly along the Leeds Road. The proposed development would be substantial in scale, footprint and extend over a large area of the site. However, the proposed development would be set within the PEA and would be significantly screened from residential properties on Leeds Road by existing woodland and would sit behind existing buildings. As such it would not be unduly dominant. Moreover, the proposed design, materials and external appearance would be typical of current-day industrial building construction. The proposal is therefore acceptable in appearance and is considered to constitute good design in accordance with KLP Policy LP24.

Notwithstanding the submitted plans, and as stated above, confirmation is received that the colour of the cladding will be RAL 7038. This a pale grey, which is common in valley-bottom locations in and around Huddersfield, to the extent that this palette of materials is now characteristic of industrial developments in these parts of Kirklees as well as on the wider Syngenta site. A condition will therefore be imposed requiring the development to be completed with the cladding, in this colour.

Residential amenity of nearby residents

Policy LP24(b) of the KLP advises that proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

In this instance, the closest residential properties are those fronting Leeds Road to the northwest. The proposed development is unlikely to be visible from these properties, given that there is a woodland (which would not be impacted on by the proposals) area in-between and any views would be limited into the site or from proposed buildings to the existing residential properties. For these reasons, it is not considered that the proposal would be unduly dominant, and it would not result in any loss of privacy nor would it be overbearing.

Furthermore, given the nature of the proposed uses, the application is accompanied with a noise assessment. This has been considered by Environmental Health Officers, who concur with the findings of the assessment which takes into consideration the operational noise and activities, fixed mechanical plant and HGV movements and concludes a low impact on nearby noise sensitive receptors. For these reasons, the proposal is not considered to be harmful in relation to the living conditions of existing nearby occupiers and it would therefore comply with the objectives of Policy LP24(b) of the KLP, subject the imposition of the construction sites working condition and footnote as suggested by Environmental Health in their comments dated 21/03/2023.

Impact on highway safety

Policy LP21 of the KLP advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed

effectively and safely by all users. It states that new development will be permitted where safe and suitable access to the site can be achieved for all people.

The application would be accessed from the existing access from Leeds Road which is already heavily trafficked during the day.

The Council's Highways Development Management (HDM) Officer advised that:

“given that the proposed development is approximately 500m from the main access into the Syngenta site from A62 Leeds Road and access, parking and servicing arrangement appear to be unchanged Highways Development Management have no objection to these proposals.”

Given the nature of the use, the proposed development would not generate a significant number of vehicle movements.

Given the above, the proposals are acceptable from a highways perspective in accordance with Policy LP21 of the KLP.

Biodiversity

Policy LP30 of the KLP advises that the Council will seek to protect and enhance the biodiversity of Kirklees. The most relevant criteria of the policy, in this instance is that development will be required to:

- (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
- (ii) (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;
- (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;

In the absence of ecological information with this application, the Council's biodiversity officer advises that a full assessment cannot be made. However, some ecological information relating to the site is available on a recently determined application (2021/90158) and considering that the current proposals will largely occur on already developed land, it is not considered proportionate to request updated survey information, particularly as the 2021 report allows an assessment to be made to the existing biodiversity interests in and around the site from the proposed development.

The Council's biodiversity Officer does not anticipate major ecological impacts, given the nature of the development. Nevertheless, given the proximity of the site to the wildlife habitat network to the east and south of the site, there is potential for dust and noise disturbance from the development

site to impact ecological receptors that may utilise these areas. It is therefore recommended that a Construction Environmental Management Plan (CEMP) relating to Biodiversity be produced that details working methods to avoid construction related impacts. BS42020:2013 details the requirements of CEMP (Biodiversity) and recommends that whilst the format may vary it should be proportionate and tailored to the specific needs of the project, and the biodiversity elements should all have common structure. Given the proportion and scope of the proposals it is likely that the required information could be provided within a single report comprising an outline of ecologically-sensitive working practices to be followed during construction, and the details of soft planting and future maintenance of this. Subject to a condition securing such measures, the proposals would accord with Policy LP30 of the KLP.

Flood Risk and Drainage

Policy LP27 of the KLP relates to flood risk. It advises, amongst other matters, that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. The proposal must also not increase flood risk elsewhere and, where possible, should reduce flood risk. This is consistent with guidance at Section 14 of the NPPF.

In this case, from the Environment Agency (EA) online flood mapping and Kirklees Council's SFRA, the site is located in Flood Zone 3. Following initial objections (14th December 2022) from the EA, due to insufficient information contained within the submitted Flood Risk Assessment (FRA), a revised FRA (Rev 02) was received. Following consideration of the FRA, the EA maintained their earlier objections in their detailed response dated 14th December 2022. The objections related to an inadequate site specific flood risk assessment and that the proposals would involve building within eight meters of a main river (Lees Beck) and privately owned culvert, which could be adversely affected by the proposed development, therefore potentially increasing the risk of flooding.

Consequently, the EA on 09/03/23 maintained their objections following consideration of the details received on 19/01/23 and again on 25/05/23 following receipt of the FRA Addendum prepared by Ramboll UK Ltd, referenced 1620015210, Version 1.11.0, dated 20 April 2023. A further FRA (addendum) by Ramboll UK Ltd, referenced 1620015210, V1.11.0 - dated 11 August 2023, was received and considered by the EA, who on 03/10/2023 advised their earlier objections on flood risk grounds can be removed, subject to their suggested condition being imposed on the decision. The EA are satisfied that there will be no increase in flood risk to others and recommended an advisory note and condition requiring the development to be carried out in accordance with the revised FRA and in particular the flood risk management and mitigation measures contained within the FRA addendum.

Similarly, the Council's LLFA are now supportive of the application on the basis of their comments below:

“Further to our previous comments of 18/11/23, 10/3/23 and 30/5/23, Kirklees Flood Management & Drainage can remove its objection to surface water flood risk given the explanation of the wider surface water management system of the site, i.e., this is attenuated and treated. We do however advise the planning officer to look at how safety can be managed within each proposed building in terms of SAFE REFUGE.

Main River Flood Risk:

The Planning Officer should be aware that that the submission also looks at main river flood risk. We understand the sequential test is limited to the site area only and has passed. Kirklees Council look to a sequential approach within development sites. This has NOT been achieved. This justification is regarding the need to locate the new buildings adjacent to those where industrial processes are dependent.

In terms of locating in higher risk zones, the applicant has submitted finished floor levels that WILL flood in the 1 in 100-year critical event and will be deeper when climate change is factored in. There is a slight error in the calculations to the tune of 100mm. The depth of flooding is estimated to be around 220mm with no freeboard for modelling errors. The applicant there proposes that a strategy that will allow the buildings to flood within this framework.

We understand that the Environment Agency has removed its objection. We assume therefore that this has been viewed in the same way that an extension to an existing building would be, where risk already exists, as opposed to separate developments.

The planning officer, having understood this, can make recommendations for the risk against economic expansion.

The EA, having removed objections, is happy with the building proximity to the culverted watercourse, the flood risk of a total blockage scenario and any need for compensatory storage.

As the EA does not comment on evacuation plans, it would be usual the LLFA on behalf of Emergency Planning to look at safe elevated walkways or safe refuges in buildings. Given that this application appears to be dealt as an extension (i.e., risk is already present and therefore relies on resilience techniques to deal with residual risk), the use of safe elevated walkways cannot be achieved as the finished floor level is designed to flood. The use of an elevated safe refuge within each building should be considered.

Surface Water Design:

Having received a full explanation of how surface water in this area is already held back as part of a wider plan for the site, we do not now feel that attenuation is necessary. The use of small tanks with flow control devices with orifices less than 75mm creates a risk of blockage that it is a ‘false economy’. As a result, we do not need to set a drainage condition for this application.”

The LLFA has removed its initial objection in relation to surface water flood risk following the explanation of the wider surface water management system of the site. With respect to consideration being given to safe refuge areas in the proposed buildings, the applicant has provided the process which they currently exercise, in the case of flooding. This includes river level monitoring and access to local weather stations and the environmental agency weather forecast. The applicant has advised that:

“Syngenta has the philosophy of having all personnel on site in a safe location before the site floods, this does involve sending people home before the site floods, but for operation staff they have to stay on site so we make sure they are in a known safe location, all plants are put in to a safe mode to cover the potential loss of services such as power. The site has defined response for when the river reaches 3 different heights this is to give the site time to make sure that the plants and personnel are in safe location before the site floods”.

Details of the procedure highlighted above, and which is also to be applied in relation to the new proposed buildings has been submitted to the LPA. The applicant advises that the welfare facilities for this plant (proposed development) are on the first floor. The matter of safe refuge in the event of flooding has been sufficiently addressed.

The development would be appropriately drained throughout the lifetime of the development and not increase flood risk elsewhere. The proposal would therefore accord with the requirements of Policy LP27 of the KLP and guidance within the NPPF

Other issues

Contamination:

The site has been identified on the Council's mapping system as potentially contaminated due to its previous industrial use. To ensure that any contamination is dealt with appropriately and to protect the future users of the development from risk of contamination further information was received in the form of a report and an updated conceptual site model. On review of this information, Environmental Health officers have recommended provided the works are carried out in accordance with the information submitted this will alleviate the need for a formal remediation strategy to be submitted. This matter can be addressed by condition. It is however still necessary to include the condition for a verification report to be submitted and approved in writing by the LPA. The imposition of these conditions will ensure the matter of contamination will be addressed in accordance with Policy LP53 of the KLP and Chapter 11 of the NPPF.

Electric vehicle charging points:

In an application of this nature, it is generally expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality and Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. However, the proposals are unlikely to generate significant levels of traffic. No additional parking is proposed and staffing numbers are not to increase. It is therefore not considered necessary in this instance to impose the requirements for electric vehicle charging points.

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. Furthermore, it confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This application has been assessed against relevant policies in the development plan and other material considerations. It proposes the construction of a new warehouse, store room and new charging room building, within a designated Primary Employment Area. These uses are consistent with the objectives of the PEA as set out in the KLP and this established industrial site. As set out in the report above, subject to the imposition of relevant conditions, the development would also be acceptable with regard to flood risk, amenity, highway safety, design, and biodiversity. There would not be any significant impact on the living conditions of nearby occupiers. It is therefore considered that the development proposal accords with the development plan and, accordingly, it is recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2022/93766

Officer Recommendation: Grant conditional full planning permission

Conditions and Reasons:

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt as to what is being permitted, so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP8, LP21, LP24, LP27, LP28 and LP30 of the Kirklees Local Plan.

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information.

- a. Identification of “biodiversity protection zones”, where appropriate.
- b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
- e. Responsible persons and lines of communication.
- f. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure, as far as possible, that direct impacts to protected and priority species are avoided during construction of the scheme, to maintain and enhance habitat networks and ecological interest within the site and continued function of the adjacent Kirklees Wildlife Habitat Network, in accordance with guidance in the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate ecological measures are designed and agreed prior to commencement of any potentially damaging operations associated with the construction phase.

4. The development shall be carried out in accordance with the Flood Risk Assessment Addendum, dated 11/08/2023, Version 1.11.0 prepared by Daniel Porteous and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 58.900 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage of / disposal of surface water from the site in the safe interests of future occupants and to accord with Policies LP27 and LP28 of the Kirklees Local Plan.

5. The site shall be developed with separate systems of drainage for foul and surface water on- and off-site.

Reason: To ensure adequate drainage provision is made to accommodate foul and surface water drainage from the site and to accord with Policies LP27

and LP28 of the Kirklees Local Plan and Section 14 of the National Planning Policy Framework.

6. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

7. Notwithstanding the approved plans, the hereby approved buildings shall be externally faced in metal cladding with a RAL 7038 finish and thereafter maintained in accordance with this colour and materials of construction.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy LP24 of the Kirklees Local Plan.

8. No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

9. Remediation of the site shall be carried out and in accordance with the proposals provided by Arcadis dated 6th June 2024. 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 two 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 that the presence of contamination is identified, risks are assessed and proposed remediation works are agreed in order to make the site suitable for use, in accordance with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy/proposals referred to in condition 9 or any approved revised Remediation Strategy, a Validation Report 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 remove unacceptable risks to human health and the environment arising from unexpected contamination and to ensure that the site is satisfactorily remediated. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Footnote - Construction Sites working times

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Footnote - Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- 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
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please 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.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Footnote - advice to applicant -

Full advice of the Environment Agency can be found on the link below:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/93766&file_reference=1010688

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site location plan	10	2	20/11/2023
Proposed site block plan	25	1	20/11/2023
Proposed site plan with associated works	12	1	18/11/2022
Proposed storeroom building	17	1	18/11/2022
Proposed charging room building	15	2	18/11/2022
Proposed warehouse building	13	1	18/11/2022
Proposed warehouse elevations	14	1	18/11/2022
Existing topographical survey	11	1	18/11/2022
Surface water drainage statement	Dated 06/09/2023		12/09/2023
Phase 2 environmental site investigation report-	30168527-ARC-XX-XX-RP-ZZ-1-1-dated August 2023		12/09/2023
Flood risk assessment addendum - received	Dated August 2023		12/09/2023
Section on culvert with adjacent buildings	900	T1	09/06/2023
Noise Impact Assessment by Arcadis dated August 2022	10053234-ARC-XX-XX-RP-AE-0036-01-Plinazolin		19/01/2023
Existing site plan works map site flood zones and extents of flooding events level 54.55	H/A2/169268	B	19/01/2023
Design & Access statement			18/11/2022

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. No revisions to the plans were sought, albeit officers engaged with the applicant to address concerns in relation to the flood risk, biodiversity and land contamination issues and agree the above conditions.

Report Dated: 05/07/2024