

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:	2023/62/90180/W
Site Address:	O Cot Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW
Description:	Erection of single storey extension to building for meat processing, handling and cold storage
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FULL PERMISSION

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.

John Holmes

AUTHORISED OFFICER

Date: 3rd May 2023

Officer Report

Site Description

O Cot Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW

The application site relates to an established working farm and wholesale Butchers and Meat Processing Establishment located off New Hey Road in Scammonden. The site currently comprises of the main building which has a series of two-storey and single-storey elements, and a separate two-storey agricultural style barn. To the north of the site are residential properties and to the east and west are undeveloped open land. To the south is the A640 which is a Primary A Road.

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

Officer note: It is acknowledged that there is a Grade II Listed mile post to the south of the site.

Description of Proposal

The application seeks planning permission for the erection of single storey extension to building for meat processing, handling and cold storage.

An extension is proposed on the western elevation of the main existing building at the site, this extension will measure approximately 24.1m x 12.3m, with a ridge height of ~7.7m. The proposed extension is to be constructed using a steel frame with profile steel sheeting to the roof and walls.

The proposals also seek to undertake engineering works to excavate adjacent grassed land (to the west) to allow for additional space within the site for parking and turning for vehicles. The submitted plans show a landscaped buffer zone running alongside the excavated area.

History of negotiations/amendments received

No amendments have been sought in this instance. Discussions did take place during the processing of a previously withdrawn application.

Relevant Planning History

2022/92395 – Erection of single storey extension to building for meat processing, handling and cold storage. Withdrawn 9th December 2022.

2021/92203 – Certificate of lawfulness to confirm valid commencement of development approved under 93/02013 for erection of extensions to slaughterhouse. Withdrawn 23rd September 2021.

93/02013 – Erection of extensions to slaughterhouse. Approved 27th January 1994.

92/03561 – Agricultural notification erection of implement and fodder shed. Approval of details withheld 16th September 1992.

Representations

The application has been advertised via site notice, newspaper advertisement and neighbour notification letter. Final publicity date expired 10th March 2023. A precautionary approach has been undertaken in relation to publicity of this application with the application advertised as affecting the setting of a listed building. An assessment of whether the proposal does affect the setting is subsequently undertaken within the Assessment section of this report.

No representations have been received to date.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that a Grade II Mile Post is located to the south west of the application site, given the existing use of the site and that the proposals seek a moderately sized extension to an existing building Officers do not consider the proposals to result in having a detrimental impact upon the setting and significance of this heritage asset, consultation via site notice or press notice was not therefore not considered necessary on this occasion.

Consultation Responses

KC Highways Development Management – Comments received 16th March 2023. No objections subject to a condition relating to surfacing and drainage of the proposed parking and turning areas.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

The application site is located within the Green Belt. It is also important to note that to the south-west of the site is a Grade II Listed mile post.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective use of Land and Buildings
- LP10 – Supporting the Rural Economy
- LP13 – Town Centres
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision making
- Chapter 6 – Building a strong, competitive economy
- Chapter 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 13 – Protecting Green Belt Land
- 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 – Principle of Development

1.1 - Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Town Centre Uses/Uses in Rural Area

Chapter 7 of the NPPF relates to ensuring the vitality of town centres. Paragraph 86 of the NPPF outlines that planning decision should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.

Paragraph 87 of the NPPF goes on to say that Local Planning Authorities should apply a sequential test to planning applications which are for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre locations be considered.

Paragraph 88 states that if edge of centre or out of centre proposals are to be considered, preference should be given to accessible sites which are well connected to the town centre.

In this case, Policy LP13 of the Kirklees Local Plan is relevant and consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres and local centres), as shown on the Policies and Town Centre maps.

The proposals are for an extension to an existing building utilised for a Butchers and Meat Processing Establishment. Whilst the application site is located outside of any designed centres, Officers deem this type of use would not result in a main town centre use given the nature of the business and as this use is already up and running and has been for a number of years, this application would not result in the introduction of a new use within this location and therefore a sequential test would not be required in this instance. The proposed extension will promote expansion of the existing business and whilst the site is located within the Green Belt, the impact in this regard is undertaken in the following report as well as matters relating to access, traffic, car parking, residential amenity and climate change.

In addition to this, Policy LP10 of the Kirklees Local Plan relates to supporting the rural economy, which follows on from advice in paragraph 84 of the NPPF which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. This is given weight in the assessment of this application. Nonetheless, Policy LP10 of the KLP also states that in all cases where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy. This is discussed below.

1.2 – Land Allocation (Green Belt)

The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that extensions or alterations to an existing building may be acceptable provided that it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF and emphasises that the cumulative impact of previous extensions and of other associated buildings will be taken into account.

Paragraph 150 (b) is also of relevance to this application due to the expansion of the site into the Green Belt to create additional parking and turning spaces within the site to the west. Paragraph 150 relates to engineering operations and notes that they can be supported where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Local Plan Policy LP57 criteria (c) also requires proposals to not result in a greater impact on openness in terms of the treatment of outdoor areas

including hard standings, curtilages and enclosures and means of access. Design and materials should also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting, as outlined within criteria (d).

As a starting point it is important to understand what constitutes the 'original building'. the glossary within the NPPF defines 'original building' as: '*A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally*'. The building as it currently stands has undergone previous work and extensions since its original construction, there is also a detached barn to the north-west of the site which is not original. These changes are outlined within the planning history section of this report.

Of note, in 1994 application ref 93/02013 was approved for extensions to the existing slaughterhouse. Whilst some works were undertaken after the permission was granted, in 2021, application ref. 2021/92203 was submitted to the Council as a certificate of lawfulness to confirm valid commencement of development approved under 93/02013. This was subsequently withdrawn by the applicant's agent when it became apparent that the extensions constructed were not in line with the plans approved in 1994.

The extension proposed within this application seeks to incorporate some of the historically constructed extensions which do not have planning permission, coupled with the previous extensions and additions which would result in an increase to the footprint of the 'original building' by ~ 101%, with an increase in volume of ~80%. Taking the above into account, Officers consider that an increase such as those outlined above would result in a significant increase to both the volume and footprint of the original building and would result in a disproportionate addition which would add to the scale and massing of the original building. It is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, but visually, the extension is considered to be disproportionate (in relation to this assessment of the impact upon green belt) by virtue of the overall increase in footprint and volume.

In addition to the above, the scheme also include excavation works to extend the site within grassland located to the west by undertaking engineering operations to level the site and create additional parking and turning facilities within the farm complex. Cumulatively the development is considered to result in proposals which would have a greater impact upon the openness of the Green Belt than existing, with certain elements of the scheme encroaching into the open countryside, and their use for vehicular parking / turning of vehicles associated with the existing use in combination with the built form proposed considered to constitute inappropriate development within the Green Belt.

For the above reasons, Officers consider the development to constitute inappropriate development in the Green Belt with reference to NPPF paragraphs criterion 149 (c) and 150(b), as well as Policy LP57 of the Kirklees Local Plan. Paragraph 147 of the NPPF outlines that 'inappropriate

development is by definition, harmful to the Green Belt', whilst Paragraph 148 states that local planning authorities should ensure that 'substantial weight' is given to any harm to the Green Belt. Given this conclusion, it is necessary to now consider whether any other additional harm would accrue, and whether there are any very special circumstances to clearly outweigh harm to the Green Belt and any other harm identified.

As noted above, Officers consider that the proposed extension would result in a disproportionate addition over and above the size of the original building, and therefore spatially would have a greater impact upon the openness of the Green Belt than the existing building.

In terms of the purposes of including land within Green Belts, one such reason is to safeguard encroachment into the open countryside. Officer's note that the proposed extension would be located on an existing area of hardstanding and would be viewed within the context of the site as a whole which comprises of a number of functional and agricultural buildings which currently operate in support of the existing use. Whilst the proposals will increase the scale and massing of the existing building, Officers do not consider this expansion to significantly impact or encroach due to its location which would be sited upon a small portion of hardstanding which is currently used as access and turning facilities for vehicles within the site.

From a visual perspective the proposed extension would not be significantly higher than the section of the building it ties into and is not as high as other sections of the building. The proposal is in sympathetic materials and of a functional design, which would be viewed as being in context in relation to the existing single-storey and two-storey elements belonging to the host property. The extension would therefore not be viewed against open and undeveloped land which would cause a detrimental impact on the visual amenities of the Green Belt.

Officers conclude that the proposals would result in inappropriate development with respect of the proposed increase in footprint and volume to the original building, and some harm to the openness of the Green Belt, as well as encroachment into the open countryside. Thus, as there is harm to the Green Belt accrued from the proposal, very special circumstances will need to be demonstrated. This is discussed below.

In accordance with Paragraph 148 of the NPPF, consideration must be given as to whether the application has any very special circumstances which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and other harm.

Supporting information has been provided within the submitted Design & Access Statement and cover letters to outline the need for the proposed extension. It is stated that the business is currently experiencing an increase in customers, both locally and nationally of which they are finding it difficult to sustain good customer relations and a continued high standard of animal welfare. This is mainly due to a lack of space. This increase is mainly fuelled

by the closure of many abattoirs nationally and this is predominantly due to the exacting welfare and hygiene standards required which is difficult to maintain in older buildings. By erecting the proposed extension at O'Cot Farm the applicant will be able to offer an up-to-date facility that can handle the increase in trade and future proof the business. It will also provide extra employment to the local community. Furthermore, the sites location is ideal due its links to the highway network.

Officer's note the above points outlined within the supporting Design & Access Statement and Covering Letters and when taking into account paragraph 84 of the NPPF which notes that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, it is considered that as this is an existing rural business which is locational specific to this site, the proposals on balance would support and enhance the economic benefits of an existing rural enterprise and retention and expansion of local employment of a well-known business which is encouraged and would accord with LP10 of the Kirklees Local Plan and guidance contained within the NPPF.

Taking the above into account, the proposal being for an existing established business, the proposal would see the continued operation and viability of the business ensured in the future and whilst the proposal would have some impact and would see disproportionate additions to the original building. The identified harm to the Green Belt is concluded to be outweighed by the circumstances put forward as part of this application. Officers consider there to be very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and the harm to openness and resulting from encroachment. The proposals are therefore deemed to be acceptable in terms of Policies LP1, LP3, LP24 and LP57 of the Kirklees Local Plan and National Green Belt Policy in Chapter 13 of the NPPF.

2 – Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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

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

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

In relation to the layout, scale, massing and appearance of the proposed extension, the extension is to be single storey in height and is to utilise a pitched and lean-to roof designs, which are reflective of the existing buildings on the site. Furthermore, the use of profiled sheeting within the walls and roof are similar in appearance to the detached animal shed located within the site.

Whilst the extension is somewhat large in scale and size, the ridge is to be set down from the ridge of the host building ensuring that it appears subservient and not overly dominant, and although openly visible from New Hey Road which is a Primary A Road, given the change in land levels whereby the site is stepped down from the highway, and that the extension would be viewed amongst the existing buildings which currently form part of the farm and the Butchers and Meat Processing Establishment, the proposals would not appear as an alien feature within the landscape.

Therefore, subject to condition requiring the materials of construction to be those shown in the submitted plans, it is concluded that the proposal as submitted would be acceptable in this instance from a visual amenity perspective and would accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Historic Environment

Section 66 of the above Act also states that Local Planning Authorities must, in considering the impact of a development on Listed Buildings have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.

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

Furthermore, Policy LP35 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.”*

Paragraph 199 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

In this instance the application site is located adjacent to (to the south-west) a Grade II Mile Post, given the existing use of the site and that the proposals seek a moderately sized extension to an existing building Officers do not

consider the proposals to result in having a detrimental impact upon the setting and significance of this heritage asset.

For these reasons it is considered that the proposals would not harm the setting or significance of this adjacent heritage asset and the development is therefore concluded to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 - Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 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 occupiers.

Impact on O’Cot Cottage, O’cot House and O’cot Barn

These neighbouring properties are located to the north of the application site and are the nearest residential dwellings that may be impacted by the proposals. Given the separation distances, orientation and location of the proposed extension to these neighbouring properties Officers have no concerns with regards to overshadowing, overlooking or the proposals appearing overbearing in nature.

However, taking into account noise and odour pollution, as part of the previously withdrawn application for a similar development (application 2022/92395, detailed in the ‘Planning History’ section of this report) the Council’s Environmental Health Officers were consulted. They raised concerns that noise generated in relation to the operation of plant and machinery and noise associated with the increased numbers of deliveries and customers arriving and departing the proposed development could result in an undue impact on adjacent residential properties. A condition was therefore recommended for the submission of a noise impact assessment, to protect the amenity of nearby sensitive receptors. It is considered this is relevant to the consideration of this application and whilst unnecessary to re consult the Environmental Health Team given the recent response and fact the circumstances remain the same as their response to application 2022/92395, it is considered appropriate to include the same condition as previously recommended by them to ensure noise would not have a significant impact.

In conclusion, taking the above into account, it is considered that subject to the submission of a noise impact assessment and any mitigation required, the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy

LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is for the erection of a single storey extension to an existing building used for meat processing, handling and cold storage. Given the nature of the proposals the Council's Highways team were consulted who noted that vehicle access to the site from O'Cot Land will remain as existing and will be unaffected by the proposals. The application also seeks an extension into the adjacent field to provide a parking and turning area to replace and improve on that displaced by the proposed rear extension. The provision of waste collection will remain as existing and is also unaffected by the proposals. Taking the above assessment into account, highway officers raise no objections to the proposals subject to a condition relating to the surfacing and draining of the approved vehicle parking and turning areas.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and Chapter 9 of the National Planning Policy Framework.

5 – Other Matters

Contaminated Land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

Whilst Environmental Health were not consulted on this application, they did provide comments on a similar but larger application which was previously withdrawn (application reference: 2022/92395), their comments are still deemed to be relevant. They noted that due to the current use of the site for agricultural/food production purposes, there is the potential for ground contamination. In addition, the Council's records indicate there has been a sandstone quarry to the west of the site (our ref 47/8), which may have been partially infilled (fly tipped), the proposed development is also close to an historic landfill. To ensure the safety of the future workforce and protect the food produced on site contaminated land conditions are necessary.

The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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.

Within the submitted Design & Access Statement it is outlined that the large number of rooflights proposed within the building will allow for a good level of natural light, reducing the need for excessive artificial lighting. Furthermore, the applicant intends to install PV panels and a rainwater harvesting system that will allow collected water to be re-used during the various processes after filtration. However, at a minimum there are controls in terms of Building Regulations as part of the construction process which will require compliance with national standards and a condition is also recommended for the installation of an electric vehicle charging point within the dedicated parking areas of the site, this would be in accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda.

There are no other matters for consideration.

6 – Conclusion

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

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

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2022/90180

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Chapters 2, 4, 6, 7, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework and Policies LP1, LP2, LP3, LP7, LP10, LP13, LP20, LP21, LP22, LP24, LP35, LP51, LP52, LP53 and LP57 of the Kirklees Local Plan.
3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework
4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (3) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.
5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (4) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy

shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (5). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

8. Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all of the noise emissions from the proposed development
- 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 including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. Before the hereby approved extension is brought into use, one electric vehicle recharging point shall be provided within the dedicated parking area to serve the Wholesale Butchers and Meat Processing Establishment of O'cot Farm. 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 points so installed shall thereafter be retained.

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

10. The materials of construction of the walls of the development hereby approved shall be natural stone and profiled steel cladding in a green colour finish. The material of construction of the roof shall be profiled steel cladding in a green colour finish.

Reason: In the interests of visual amenity and the Green Belt, to accord with policies LP24 and LP57 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

11. Prior to the development being brought into use, the approved vehicle turning and parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained. **Reason:** In the interests of highway safety and to achieve a satisfactory layout. Policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

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: 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: Electric Vehicle Charging Points –

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Site Location Plan	22_100	B	26 th January 2023
Existing Topographical	22_100.0	-	26 th January 2023

Survey			
Proposed Topographical Survey	22_100.0.1	B	26 th January 2023
Proposed Landscaping & Drainage Plan	22_100.0.2	B	26 th January 2023
Proposed Swept Path Layout	22_100.0.3	A	26 th January 2023
Existing Site Plan	22_100.1	-	26 th January 2023
Proposed Site Plan	22_100.1.1	A	26 th January 2023
Proposed Extension Plan	22_100.3	A	26 th January 2023
Proposed Extension Elevations	22_100.3.1	A	26 th January 2023
Existing & Proposed Site Elevations	22_100.3.2	A	26 th January 2023
Proposed Extension Usage	22_100.3.3	A	26 th January 2023
Design & Access Statement – Supporting Information	-	-	26 th January 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals are deemed to be acceptable upon submission.

Report Dated:

02/05/2023

