

**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:	<b>2023/62/90358/E</b>
Site Address:	Shepley Spring, The Knowle, Shepley, Huddersfield, HD8 8EA
Description:	Erection of substations and associated external plant
Recommending Officer:	Nicole Helliwell

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date:** 27<sup>th</sup> April 2023

**Error! Filename not specified.**

## **Officer Report**

**Reference No.** 2023/62/90358/E

**Site Address:** Shepley Spring, The Knowle, Shepley, Huddersfield, HD8 8EA

**Proposal:** Erection of substations and associated external plant

### **Site Description**

The application relates to Shepley Spring, an industrial building situated in Shepley, Huddersfield. The wider area comprises a combination of residential and industrial properties and the land east and south of the site is allocated as Green Belt. Furthermore, the site is not within a conservation area, nor are there any listed buildings within close proximity to the site.

### **Description of Proposal**

The application seeks planning permission for erection of substations and an associated external plant. The measurements of the proposal are as follows:

- Switch Board (5.85m in width, 3.24m in depth, approx. 2.3m overall in height and an eaves height of approx. 2.24m)
- Two Substations (4.65m in width, 3.65m in depth, approx. 2.65m overall in height and an eaves height of approx. 2.45m)
- Construction materials – GPR enclosure in green

### **Relevant Planning History**

2003/93731: Renewal of unimplemented permission for erection of storage and loading bay. [Planning application details | Kirklees Council](#)

98/91415: Erection of storage and loading bay. [Planning application details | Kirklees Council](#)

91/04578: Erection of commercial vehicle garage. [Planning application details | Kirklees Council](#)

91/01717: Alterations and re-roofing to industrial premises. [Planning application details | Kirklees Council](#)

87/01005: Use of premises to operate private hire vehicle. [Planning application details | Kirklees Council](#)

### **Representations**

The application was publicised by neighbour notification letters, which expired on 7<sup>th</sup> April 2023. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council – No Comment

## **Consultation Responses**

### KC Environmental Health

Environmental Health were formally consulted on the proposed scheme and raised no objections subject to the recommended conditions.

## **Policy**

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

### **Kirklees Local Plan Policies**

- LP 1 - Achieving Sustainable Development
- LP 2 - Place Shaping
- LP3 – Location of new development
- LP 21 - Highways and Access
- LP 22 - Parking
- LP 24 - Design
- LP 30 - Biodiversity and Geodiversity
- LP 52 - Protection and Improvement of Environmental Quality
- LP 53 - Contaminated and Unstable Land

### **In this case, the following SPDs are applicable:**

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making

- **Chapter 6** – Building a strong, competitive economy
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 15** - Conserving and Enhancing the Natural Environment

## **Assessment**

### **1. Principle of development**

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP3 states that development will be permitted where it supports the delivery of employment growth in a sustainable way including the delivery of jobs. To this end the, whilst the development may not directly create employment opportunities it will support ongoing operations and therefore meet Policy LP3 and the NPPF Chapter 6.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

### **1. Visual amenity**

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states: “The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

The proposed substations and switch board would be erected south-west of the application site and would be associated directly to the use of the site. It is noted that the proposed development would be used to increase the amount of power on site from 1MVA to 3MVA. The design of the substations and switch board are considered to be typical for such a use and would be acceptable in this regard. Furthermore, the plans confirm that the structures would incorporate a shallow dual pitched roof and

would be constructed from a GPR enclosure in green. Furthermore, it is noted that the buildings would be of a simple form and would not appear incongruous from public vantage points given the significant scale of the site. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

#### *Summary*

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the NPPF.

## **2. Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed development would occupy a position at least 26.5m from the side elevation of 2a Knowle Park Avenue and at least 58.9m from rear elevation of 4 The Knowle. Therefore, given the nature of the proposal and the substantial separation distances, it is considered that there would be no undue harm with regard to residential amenity.

#### *Summary*

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

## **3. Highway Safety**

The proposed substations and associated external plant would not materially intensify the use or affect the existing parking arrangements on site. Therefore, the proposed development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF and the Highways Design Guide SPD.

## **4. Other Matters**

### *Climate Change*

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set

by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

#### *Biodiversity*

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Kirklees Local Plan, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

#### *Public Right of Way*

Although it is noted that Public footpath KIR/144/10 runs along the eastern boundary of the application site, due to the location of the proposed works, it is considered that there would be no impact upon the PROW's setting.

#### *Contaminated Land*

Groundworks will be required for the concrete bases and the trenches for the cabling. This site has been identified as potentially contaminated land due to its previous use as a mill (site ref 40/22). Therefore, Environmental Health have confirmed that it will be necessary to recommend a condition relating to unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works.

#### *Noise*

The applicant has stated that feedback from the transformer manufacturer confirms that the output, enclosure and distance to residential properties indicate there will not be an issue with noise. Whilst this is accepted,

Environmental Health have recommended a compliance condition to ensure any noise does not exceed the existing background level.

There are no other matters relevant to the determination of this application.

#### **5. Representations**

No representations were received following the statutory publicity.

#### **6. Negotiations**

No amendments were sought or received during the course of the application.

#### **7. Conclusion**

This application for the erection of substations and an associated external plant at Shepley Spring has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation:            Approve**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/90358

**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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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.

Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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. 183 and 184 of the National Planning Policy Framework.

4. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

**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.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** Public footpath KIR/144/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public rights of way are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

**Plans and specifications schedule: -**

Plan Type	Reference	Revision	Date Received
-----------	-----------	----------	---------------

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	SSSU-MWA-XX-XX-DR-A-0001	P1	03/02/2023
Existing Site Plan	SSSU-MWA-XX-XX-DR-A-0002	P1	03/02/2023
Existing Elevations	SSSU-MWA-XX-XX-DR-A-0003	P1	03/02/2023
Proposed Site Plan	SSSU-MWA-XX-XX-DR-A-0004	P1	03/02/2023
Proposed Elevations in Context	SSSU-MWA-XX-XX-DR-A-0005	P1	03/02/2023
Proposed Plan and Elevations for Substation	SSSU-MWA-XX-XX-DR-A-0006	P1	03/02/2023
Proposed Plan and Elevations for Switch Board	SSSU-MWA-XX-XX-DR-A-0007	P1	03/02/2023
Location Plan with Easement	SSSU-MWA-XX-XX-DR-A-0008	P1	03/02/2023

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 Planning 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

**Report Dated: 27/04/2023**