
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 06-Jul-2023**

Subject: Planning Application 2023/90531 Demolition of warehouse unit and proposed erection of production warehouse (use classes B2 and B8) for the purpose of the manufacture and storage of beds, mattresses and their components alongside ancillary retail and office space and associated access, parking and landscaping works. Highgate Beds Ltd, Bretton Street, Savile Town, Dewsbury, WF12 9DB

APPLICANT**Ayub, Highgate SASS****DATE VALID****31-Mar-2023****TARGET DATE****30-Jun-2023****EXTENSION EXPIRY DATE****11-Aug-2023**

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LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development subject to the conditions set out in the Officer Report and to secure a Section 106 agreement to cover the following matters:

- 1) Biodiversity – A financial contribution of £119,600 towards off-site measures to achieve biodiversity net gain in accordance with the Biodiversity Net Gain Technical Advice Note;
- 2) Skills – Provision of a package of training and educational support for existing and future employees based upon the parameters of a Framework Skills Plan (which intends to secure a training programme for at least 15% of the workforce on a yearly basis with up to 45% of the workforce on a training programme after three years of the development being brought into use);
- 3) Sustainable Transport – Measures to encourage the use of sustainable modes of transport, including a financial contribution towards a Sustainable Travel Fund as well as a further £10,000 towards Travel Plan monitoring;
- 4) Off-site Highway Works – An off-site financial contribution of £20,000 towards bus stop upgrades; and
- 5) Management – The establishment of a management company for the management and maintenance of infrastructure relating to surface water and foul drainage infrastructure until formally adopted by the statutory undertaker.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 The application has been brought before the Strategic Planning Committee due to it being a non-residential development on a site over 0.5 hectares, in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS

Relevant Site Constraints

- Bretton Street Enterprise Centre Priority Employment Area
- River Calder Corridor Strategic Green Infrastructure Network
- Flood Zone 1
- Coal Advice Area (Development Low Risk Area)
- Historic Landfill Buffer Zone (250m)
- Bat Alert Area
- Denby Grange Colliery Ponds Site of Special Scientific Interest Impact Risk Zone (Air Pollution)
- Major Scale Development Canal Rivers Environment Agency Notification Area

- 2.1 The application site is trapezoidal in shape and measures approximately 140 metres on the longest side along Bretfield Court and approximately 70 metres wide (excluding the substation on the southwestern corner) giving a total area of approximately 0.97 hectares. The red line site boundary comprises an industrial unit of 690sqm in size which serves the existing business and a large area of hard standing located on the southern part of the site that is in a poor state of appearance. Outside the red line boundary (but within land edged blue on the applicant's location plan) there is a furniture store to the east, accessed from Bretton Street to the south.
- 2.2 The surrounding area is characterised by industrial buildings and warehousing to the north, south, west and east of the site. The site falls within a Priority Employment Area (PEA) as identified in the Kirklees Local Plan. The nearest residential properties are c. 90 metres to the west on Headfield Road. The western boundary of the site contains significant tree cover and planting and the site falls within the River Calder Corridor Strategic Green Infrastructure Network.
- 2.3 The Calder and Hebble Navigation (canal) is located 140m east of the red line boundary and the River Calder is located even further away at a distance of 290m. The site falls outside of the Environment Agency's flood zones 2 and 3, where the highest risk of flooding is identified to occur. Part of the site falls within the Canal and River Trust's notification area as it is classed as major development within 150m of a water asset.
- 2.4 The site is not located within or adjoining a conservation area and there are no listed buildings within the site or in close proximity. The Grade II listed bridge over the Calder and Hebble Navigation (Dewsbury Cut) lies c. 180m east of the site but is not considered to be affected by the proposal.

3.0 THE PROPOSAL

- 3.1 The applicant is seeking full planning permission for the:

Demolition of warehouse unit and proposed erection of production warehouse (use classes B2 and B8) for the purpose of the manufacture and storage of beds, mattresses and their components alongside ancillary retail and office space and associated access, parking and landscaping works.

- 3.2 The existing building on site is approaching the end of its lifespan and a more efficient building which optimises the use of site is proposed. This would support expansion of the current enterprise to allow for a land use consisting of the handcrafting of beds and mattresses on the site alongside the storage of materials and finished products. As such, the proposal seeks to provide a new 4-storey building comprising a warehouse as well as ancillary showroom and office space inclusive of a canteen, changing rooms, design studio, meeting rooms and toilet facilities. The development also includes associated re-landscaping of the site including two designated areas for parking up to 62 private vehicles alongside dedicated bays for heavy goods vehicles.
- 3.3 The replacement building is proposed with a gross internal floorspace of 5,295sqm which would yield a net increase in floorspace of 4,605sqm above that of the previous building. The building would be finished with external materials that consist of rectangular pre-cast concrete panels in an anthracite colour across the western, northern and eastern elevations with a translucent polycarbonate panel façade system to be installed across the southern elevation and around both southern corners of the building. The development is also proposed with a sustainable drainage system for surface water that is designed to retain and hold water on site and release it slowly to a nearby Yorkshire Water Combined Sewer to prevent increases in flood risk elsewhere. A full solar array of a maximum output of 381.7kWp is also proposed to the roof. The solar array will sit on a hipped roof that will not be visible from public vantage points owing to the building's parapet.

Environmental Impact Assessment

- 3.4 The proposed development does not fall within any of the descriptions of development set out in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) 2017 (as amended) (*henceforth known as the EIA Regulations*). Within Paragraph 2 of Schedule 2 of the EIA Regulations, urban development projects on a site of 1 hectare or more, and industrial estate development on a site of 5 hectares or more, is development which is identified as being required to be assessed against the criteria set out within Schedule 3 of the Regulations to determine whether the development requires an Environmental Impact Assessment to be undertaken.
- 3.5 The proposed development is upon a site which is approximately 0.97 hectares in size. As such the proposed development is considered to fall outside of the requirements for the Local Planning Authority to undertake an EIA Screening Opinion.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning history considered relevant to the determination of this application comprises the following:

Application: 2023/90532

Description: Advertisement Consent for Erection of Illuminated Signs

Decision: Pending Consideration

Application: 2022/90189

Description: Demolition of warehouse unit and proposed erection of warehouse (use class B8) with ancillary retail and office space and associated access, parking and landscaping works.

Decision: Withdrawn

Application: 2022/90190

Description: Advertisement Consent for Erection of Illuminated Signs

Decision: Withdrawn

Application: 2001/91091

Description: Change of Use of Former Ambulance Station to Storage and Light Industrial Use

Decision: Approved 31/05/2005

Application: 2001/91033

Description: Erection of 2.4 High Galvanised Steel Palisade Perimeter Fence

Decision: Approved 25/05/2001

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers negotiated with the applicant to:

- Address the scale of the proposed building and site layout inclusive of being set back from the western boundary of the site;
- Assess safe HGV access into and manoeuvring within the site;
- Include a footway along the site frontage;
- Consider on-site and off-site Biodiversity Net Gain mitigation;
- Consider and include the use of solar photovoltaic (PV) panels;
- Improve soft landscaping and tree planting on-site and boundary treatments;
- Address surface and foul water drainage concerns; and
- Alter the development description to make it precise regarding the use of the proposed development. This change was not considered to require re-consultation.

6.0 PLANNING LEGISLATION AND POLICY

6.1 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 Kirklees Local Plan. The Kirklees Local Plan was adopted on 27/02/2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map.

6.2 The following legislation, policy and guidance is considered relevant to the determination of this application:

Kirklees Local Plan (February 2019):

The site is allocated in the Kirklees Local Plan as a Priority Employment Area (PEA) Policy LP8

Policy LP1 – Presumption in favour of sustainable development
Policy LP2 – Place Shaping
Policy LP3 – Location of new development
Policy LP4 – Providing infrastructure
Policy LP7 – Efficient and effective use of land and buildings
Policy LP8 – Safeguarding employment land and premises
Policy LP9 – Supporting skilled and flexible communities and workforce
Policy LP13 – Town Centre Uses
Policy LP20 – Sustainable travel
Policy LP21 – Highways and access
Policy LP22 – Parking
Policy LP24 – Design
Policy LP27 – Flood Risk
Policy LP28 – Drainage
Policy LP30 – Biodiversity & Geodiversity
Policy LP32 – Landscape
Policy LP33 – Trees
Policy LP34 – Conserving and enhancing the water environment
Policy LP51 – Protection and improvement of local air quality
Policy LP52 – Protection and improvements to environmental quality
Policy LP53 – Contaminated and unstable land

Supplementary Planning Documents:

Biodiversity Net Gain Technical Advice Note (June 2021)
Planning Applications Climate Change Guidance (June 2021)
Highway Design Guide (November 2019)

National Policies and Guidance:

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 2021 and updated most latterly in July 2021, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 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.

National Planning Policy Framework (NPPF) (July 2021):

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

Climate Change

- 6.4 The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.5 On 12/11/2019 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 REPRESENTATIONS (PUBLIC)

- 7.1 The application has been advertised as a major development.
- 7.2 Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015) and in line with the Council's adopted Statement of Community Involvement (December 2019).
- 7.3 Neighbour letters were issued inviting comments over a period of 21 days from 11/04/2023. Similarly, site notices were erected adjacent to the site on 13/04/2023 and an advert was placed in the Dewsbury Reporter on 27/04/2023.
- 7.4 No public representations have been received during or after the consultation period.

8.0 CONSULTATION RESPONSES

- 8.1 Invitations to comment on this application were sent to the following:

Kirklees Council:

KC Crime Prevention – No objection subject to condition for further information relating to security details.

KC Ecology – No objections subject to conditions and a biodiversity net gain Section 106 contribution.

KC Environmental Health – No objection subject to conditions.

KC Environmental Health (Strategic Waste) – Recommend consultation with KC Minerals.

KC Highways – Proposals acceptable. Conditions recommended regarding construction management, provision of a footway to Bretton Street, surfacing and drainage of parking areas, waste storage and collection, and visibility splays.

KC Landscape – No objections subject to condition.

KC Lead Local Flood Authority – No objection subject to conditions.

KC Minerals – No objections subject to conditions.

KC Planning Policy – Response under 2022/90189 supported the proposal under Policy LP8 as the proposed town centre uses were identified as ancillary to the B8 use that accords with the Priority Employment Area in which the development is located.

Case officer note: It is considered that, given the development is of a very similar nature to that which was proposed under 2022/90189, the previous comments above are still applicable and a Sequential and Retail Impact Assessment are not required in this instance.

KC Trees – No objections subject to condition.

KC Waste Strategy – Insufficient waste storage information provided. A pre-commencement condition is recommended to ensure that appropriate facilities are created on-site.

External Consultees:

Canal and River Trust – No comment.

Mid-Yorkshire Chamber of Commerce – No response received.

Yorkshire Water – No objection subject to conditions securing a revised drainage strategy.

9.0 MAIN ISSUES

9.1 Taking into consideration the site allocations and constraints, the main issues for consideration under this application are:

- Principle of Development
- Design and Landscape Character
- Amenity
- Access, Highway Safety and Parking
- Trees and Biodiversity
- Flood Risk and Drainage
- Planning Obligations
- Other Material Considerations

10.0 OFFICER ASSESSMENT

Principle of Development

Spatial Strategy

- 10.1 Given the commercial nature of the proposal, the following Local Plan policies with regard to the principle of development are considered to be applicable in this instance: LP2 – Place Shaping, LP3 – Location of New Development, and LP8 – Safeguarding Employment Land and Premises.
- 10.2 Kirklees Local Plan policy LP2 states: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below”*.
- 10.3 The site is located within a Priority Employment Area (PEA 32) as per the Local Plan. The proposal to provide an uplift of employment-generating floorspace is therefore in keeping with policy LP3 and the strategic objectives of the Local Plan. The Planning Statement submitted in support of the application goes into further detail by stating that the expansion of the business from the existing building on site into the larger proposed premises would support employment for over 100 employees, albeit the application form indicates that 80 employees would be retained should the development be awarded planning permission. Despite this, the proposal seeks to build on its existing success at its current location within the borough and is considered to be in accordance with policy LP2.
- 10.4 Kirklees Local Plan policy LP3 requires development to reflect the Spatial Development Strategy while supporting employment growth through the delivery of allocations set out in the Local Plan.
- 10.5 The proposal is considered to meet the requirements of the Kirklees Local Plan in respect of its location relative to the Spatial Strategy, the expansion of an existing conforming use within an allocated and underused part of the site, and the potential contribution of the development to an increase in skilled employment within the workforce.
- 10.6 Policy LP8 states the following: *“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 in the area”*. As the proposed development and car parking area would be in association with the existing use of the site, and given comments received from KC Planning Policy, no conflict is consequently envisaged with Policy LP8.
- 10.7 In respect of the NPPF, Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 10.8 The proposal reflects the willingness of a local business to invest in the borough and to expand its operations in order to meet its needs with the potential to provide productivity gains in the long term. As the NPPF instructs that significant weight should be attributed to these circumstances, and as there are no material concerns in respect of the sustainable growth policies of the Kirklees Local Plan as previously discussed, the principle of development is considered to be acceptable subject to the remaining main issues considered below.

Design and Landscape Character

Site Density and Layout

- 10.9 Policy LP7 states that to ensure the best use of land, proposals should encourage the efficient use of previously developed land in sustainable locations that is not of high environmental value, encourage the reuse and adaption of vacant or underused properties, and give priority to despoiled, degraded, derelict and contaminated land of not high ecological value.
- 10.10 NPPF (Chapter 11) Paragraph 124 requires that LPAs should support development that makes efficient use of land. This includes consideration of the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.
- 10.11 The proposed new building would take up c. two-thirds of the site area. A 62-space car park would be located adjacent to both the north and southern elevations of the proposed building, with the remaining site area being used as the vehicular access to the site and new building.
- 10.12 The proposed site layout is considered logical and appropriate. The proposal would significantly intensify the use of land on this site by replacing an existing commercial building with one c. 4,605sqm larger, however this is not considered problematic (although it is noted that the size of the proposed building would affect the site's ability to provide the functional requirements of a development of this type, such as on-site Biodiversity Net Gain).
- 10.13 Notwithstanding the limited opportunity to provide an on-site Biodiversity Net Gain, the planting proposed under the current application is significantly improved over that previously proposed under 2022/90189. Furthermore, Kirklees' Biodiversity Net Gain Technical Advice Note does not preclude Biodiversity Net Gain being achieved off-site through various mechanisms – more detail on this is provided below in paragraphs 10.56 to 10.60. On the basis of the above, the proposal is considered to maximise site density while achieving an appropriate layout.

Internal Building Layout

- 10.14 The ground floor of the proposal building would be formed of predominantly warehouse space (which also encompasses most of the 1st, 2nd, and 3rd floors), with meeting rooms, changing rooms, and a staff canteen at the southern end of the building. The first and second floors would incorporate open plan office spaces with meeting rooms and a design studio at the southern end. The third floor would house a showroom at the southern end of the building.
- 10.15 Officers consider that the internal layout of the proposal would offer a good use of space and provide adequate amenity spaces for employees and visitors.

Form, Scale and Massing

- 10.16 Policy LP24 states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.
- 10.17 NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 130 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.
- 10.18 The proposed building would be formed of four storeys and would have a gross internal footprint of c. 5,295 sqm; representing an increase of c. 4,605 sqm over the previous building on the site.
- 10.19 The elevations would be of an industrial/commercial vernacular, with a glazed ground floor on the southern (entrance) elevation and vertically-emphasised cladding over the upper three storeys. The remaining three elevations would be clad with a horizontal emphasis and would incorporate regular windows at the 3rd floor level and roller and access doors at ground level. Areas of company signage would be located on three of the four elevations. The appearance and scale of the proposal are considered to be acceptable for its location despite its height of 13.8m, as it is reflective of the industrial/commercial setting in which it would be located, which is characterised by a variety of separately-developed but similar utilitarian industrial structures.
- 10.20 Officers previously had concerns regarding overdevelopment of the site in respect of a similar proposal made under 2022/90189 which was subsequently withdrawn. That proposal would have resulted in a 6,790sqm building that would have extended up to the northern plot boundary whilst also extending sufficiently far eastward to prevent adequate manoeuvring space being retained for articulated delivery vehicles between the proposed building and the retained building within the blue-line boundary. The subsequent reduction in the proposal's size under 2023/90531, from 6,790sqm to 5,295sqm in size, represents a 20.02% reduction in floorspace (the same value applies to the building footprint). Officers subsequently consider that the proposed form and massing of the warehouse-type building would be acceptable on the site, given the site's previous and current usage, its surrounding context and the reductions in its size relative to the previous submission.

Materials

- 10.21 The external materials proposed to be used to finish the external appearance of the new warehouse building are translucent polycarbonate panels (southern elevation), pre-cast concrete, dark grey windows and doors, Goosewing Grey metal roof panels with rooflights to match, and dark grey parapet wall capping.

- 10.22 Polycarbonate has not been extensively used as an external cladding material in Kirklees, however it has been used in high-profile developments such as the illuminated chimney-top box at the Tate Modern gallery, and at the Trinity Laban Conservatoire of Music and Dance. It can be treated with a UV inhibitor to prevent yellowing. It is a recyclable material. The submitted Design and Access Statement provides examples of how this material would appear and officers consider that it has the potential to contribute positively to the proposed contemporary design.
- 10.23 Officers consider that the proposed materials would be acceptable given the context of the local industrial/commercial vernacular and the full details of all external materials to be used can be secured via recommended condition 3 (listed in section 12 of this report). To ensure that the polycarbonate panelling is of a high-standard, the condition requires the submission of detailed specifications and a sample panel to be inspected on site.

Landscape Character

- 10.24 Policy LP32 requires that proposals should be designed to take into account and seek to enhance the landscape character of the area, with particular consideration of the setting of settlements and buildings within the landscape, as well as other environmental features in the vicinity.
- 10.25 The site is located within an existing industrial/commercial area. However, the proposal would significantly reduce the on-site vegetation and arboriculture around the site's boundaries which are of visual benefit to breaking up the industrial/commercial appearance of the area. That being said, replacement tree planting is indicated on the site plan between the southern parking area and the footways of Bretton Street and Bretfield Court. To secure this planting, officers propose the use of pre-commencement conditions to secure full landscaping details based on the submitted indicative plans. As such, the proposal is considered to be in broad accordance with Policy LP32 of the adopted Kirklees Local Plan.

Amenity

- 10.26 Policy LP24(b) requires that proposals provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.
- 10.27 The proposal is located within an existing industrial/commercial estate. The closest residential dwellings are sited c. 73m to the west, separated from the site by existing commercial/industrial units and significant mitigative landscaping.

Noise and Odour

- 10.28 Policy LP52 requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Noise

- 10.29 Given the potential use of the proposed development, both from the applicant and from potential future uses, there is likely to be some level of noise generation. No information has been provided with regard to potential noise impacts, however KC Environmental Health have reviewed the application and recommend the imposition of pre-commencement conditions to secure the relevant assessment and any required mitigations.
- 10.30 As the proposal is for an intensification of the existing use on-site, officers consider that there is a baseline of acceptable noise resulting from the existing premises and the type of work undertaken. As such, officers recommend a Noise Impact Assessment be secured via conditions as, in this instance, it is not considered to be an “in principle” matter, as it otherwise would be for a similar proposal on a different site and with a different site history/context.

Odour

- 10.31 The proposed level of use of the on-site kitchen and staff canteen is unclear at this stage. As such, any amenity impacts in terms of odour cannot be satisfactorily ruled out without further mitigation. In light of this, KC Environmental Health have recommended conditions to secure the full details of a commercial kitchen extraction and ventilation scheme and a pollution control drainage strategy for oils, fats and grease, in accordance with the relevant nationally available advice and guidance.

Refuse and Waste

- 10.32 No information has been provided with regard to refuse and waste storage and collection from the site. Officers note that there will likely be existing arrangements owing to the existing use of the site, but that these would need to be revised to accommodate the intensification of the development proposed in this application. It is also noted that the proposal would be subject to commercial waste regulations. Notwithstanding this, to ensure that satisfactory on-site waste storage and collection can be achieved, conditions can be secured for the details of a refuse and waste strategy to be implemented on-site.

External Lighting and Signage

- 10.33 The application has not submitted any information regarding the re-use or provision of new external lighting on the proposed building and/or wider site. The submitted application form states that the signage proposed on the building/site is to be illuminated, however full details have not been provided. Given the potential light pollution impacts of unchecked external lighting on amenity and wildlife, KC Environmental Health and KC Ecology have recommended conditions requiring the submission of full details of all external lighting to be used on the site, along with any required mitigation measures. External lighting should be designed in accordance with the Institute of Lighting Professionals' *Guidance Notes for the Reduction of Obtrusive Light*. A separate advertisement consent application has been submitted (2023/90532) relating to the signage on the elevation plans. Consequently, levels of illumination relating to the signage will be controlled through that separate consent regime.

Hours of Operation

- 10.34 No information has been provided about the proposed hours of use of the building. As such, in order to safeguard the amenities of the nearest residential occupiers with regard to noise from site users and activities, a condition restricting the hours of use is considered to be necessary. The restricted hours of use are proposed to be between 8am to 8pm daily, with no deliveries to, or dispatches from the premises to occur outside these hours. Furthermore, no deliveries shall take place on Sundays or Bank Holidays. These restrictions accord with the shift patterns indicated in the supporting Travel Plan.

Conclusion

- 10.35 Given the above, the proposal is not expected to detrimentally impact on the residential amenities of neighbouring occupiers and is, therefore, considered to be in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan with regard to amenity.

Access, Highway Safety and Parking

Sustainable Transport

- 10.36 Policy LP20 requires that proposals are located in accordance with the council's spatial strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. Furthermore, proposals should be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity.
- 10.37 The proposal is located on an existing commercial/industrial site within a wider commercial estate. The site is considered to be located in a sustainable location which can be relatively easily accessed from nearby bus stops.
- 10.38 The applicant has submitted a Travel Plan (TP) in support of the application. This details the employee shift patterns with between c. 40 – 80 members of staff expected to be on-site at any given time. It further details the applicant's modal shift targets and proposed Travel Plan promotion, monitoring and review.
- 10.39 Officers note the submission of the TP and its identified actions. Conditions can be secured to ensure that the TP is adhered to, and that sustainable travel opportunities and modal shift is actively promoted at the site. With the TP implemented and appropriately monitored, the proposal is considered to be in accordance with Policy LP20 of the adopted Kirklees Local Plan.
- 10.40 Under the previous application 2022/90189, the West Yorkshire Combined Authority requested that financial contributions be secured via a Section 106 Agreement to install Real Time Information displays on two nearby bus stops. The applicant agreed to this commitment on 30/06/2022. For the current application, it is recommended that the same contributions be secured.

Highway Safety

- 10.41 Policy LP21 requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Furthermore, proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.
- 10.42 Policy LP24(d)(vi) requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.
- 10.43 NPPF (Chapter 9) Paragraph 111 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. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.

Site Access

- 10.44 The developed site would be served by two access points: an HGV/large service vehicle and forecourt access via the existing arrangements off Bretton Street, and an access for staff and visitor car parking off Bretfield Court to the west. Officers note that the proposed visibility splays for the staff/visitor car park entrance are shown as being outside of the red line and blue line boundary areas. However, as far as is known, the visibility splays would be located within highway land, and thus would not require the agreement of a third party landowner. They are therefore considered to be achievable, subject to securing relevant conditions.

HGV Turning

- 10.45 The Highway Design Guide SPD sets out the required forecourt depths for new industrial developments according to unit floor area in Paragraph 3.23 and Table 3. As the proposal building measures c.5,295sqm, a 16.5m deep forecourt is required with a minimum sized turning head of 25m diameter to enable a 16m articulated vehicle to turn clear of the individual unit's forecourt.
- 10.46 Swept path plans recently submitted by the applicant have confirmed that adequate manoeuvring space would be provided for large vehicles.
- 10.47 The submitted Transport Statement refers to a new 2m wide footway to be provided along the site frontage, connecting the existing footway provision on Bretton Street to Bretfield Court. This has now been illustrated in revised plan number 003 rev, and is welcomed. A condition securing its provision is recommended.

Parking

- 10.48 Local Plan policy LP22 requires that proposals provide full details of the design and levels of proposed parking provision following the principles set out in the policy wording. In doing so, they should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.
- 10.49 The Highway Design Guide SPD does not set local parking standards but notes that it should be used as an initial point of reference in designing new schemes. For commercial/industrial applications, applicants are advised to seek guidance from KC Highways Development Management with regard to their required car parking standards.

Car Parking

- 10.50 A total of 62 parking spaces are proposed in two marked-out parking areas. Given the expected staff numbers, and the alternative transport use to be encouraged and facilitated via the Travel Plan and contributions, the proposed on-site parking provision is considered sufficient.

Electric Vehicle Charging

- 10.51 No information has been provided in relation to the provision of Electric Vehicle Charging Points (EVCPs). KC Environmental Health have requested the imposition of conditions to secure EVCPs at a rate of 1 per every 10 unallocated parking spaces in the interest of supporting and encouraging low emission vehicles. The infrastructure would be secured via a recommended condition.

Cycle Parking

- 10.52 The proposal would accommodate sheltered cycle storage for 12 bikes. The full details and materials of the cycle store would need to be secured by conditions. The cycle store would have good natural surveillance from the proposed building's reception and foyer areas. As the proposal would retain c. 80 members of staff, the proposed cycle storage equates to c. 15% capacity. Officers consider that the proposed cycle storage would be adequate for the proposal.

Trees and Biodiversity

Ecological Impacts

- 10.53 The submitted Ecological Impact Assessment states that the proposal would not likely have a detrimental impact on local flora and fauna or any known protected species on the site. The applicant proposes the placement of six bird and bat boxes, as well as landscape planting for the benefit of invertebrates. Having regard to the limited available space for habitat creation, these measures are determined to provide sufficient habitat improvements when compared with the current situation.

- 10.54 KC Ecology recommend securing a Biodiversity Enhancement Management Plan so as to ensure that the correct amount of on-site habitat creation is provided. This is important due to the on-site works informing the value of the off-site BNG contribution.
- 10.55 Given the limited existing ecological value of the site, the recommended conditions are considered to be appropriate to allow development to progress subject to the requisite information being submitted prior to commencement.

Biodiversity Net Gain

- 10.56 Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.
- 10.57 The council's Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that a minimum of 10% net gain in biodiversity is required.
- 10.58 NPPF (Chapter 15) Paragraph 174(d) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.
- 10.59 The applicant has submitted a Biodiversity Net Gain Metric 3.0 calculation detailing an 83.99% Biodiversity Net Loss resulting from the proposed development, albeit from a low ecological baseline. The applicant has not been able to demonstrate that they could provide the required 10% Biodiversity Net Gain on this site due to site constraints. As such, in line with NPPF (Chapter 15) Paragraph 180(a), the applicant is prepared to enter into a Section 106 Agreement to provide the 10% net gain of 5.2 habitat units at a financial value of £119,600 compensation. This contribution would be used to secure off-site biodiversity enhancements that would be administered in accordance with the council's Technical Advice Note.
- 10.60 Subject to the above planning obligation being secured, the proposal is considered to be in accordance with Policy LP30 of the adopted Kirklees Local Plan and NPPF (Chapter 15).

Trees and Landscaping

- 10.61 Policy LP33 states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.
- 10.62 Policy LP24(i) requires proposals to be designed to retain valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits.

- 10.63 KC Landscape have reviewed the submitted information and note that the existing vegetation on-site is considered to be important given its contribution towards greening the urban environment. In contrast to the soft-landscaping proposals made under 2022/90189, KC Landscape welcome the adjustments to the proposed landscape layout, particularly the addition of native hedge, indicated as running parallel to Bretfield Court. Nevertheless, KC Landscape consider the frontage landscaping to be tokenistic, and have asked for the proposed building be pushed back into the site to allow for more planting space. This, however, would not be possible given the need to provide sufficient space for the manoeuvre of articulated Heavy Goods Vehicles. Indeed, this type of servicing is critically important for the operation of the proposed development.
- 10.64 Pre-commencement conditions are recommended to secure the full details and subsequent implementation of hard and soft landscaping (including a Landscape Management Plan), as well as 5-year ongoing replacements for any trees/plants which are removed, died or become diseased.
- 10.65 In light of the above consultee comments, officers consider that pre-commencement conditions would be appropriate for the landscaping strategy to ensure that a high-quality scheme, based on the indicative layout, can be achieved to reduce the landscape character impacts of the proposal and to provide adequate space for new planting to successfully establish and thrive on-site (particularly given the proximity of the proposed building to the site boundary).
- 10.66 No trees within the application site are protected by Tree Preservation Orders.
- 10.67 Within the wider site (including the land edged in blue on the applicant's location plan), only trees T1, T2, T3, T4 and G1 (as identified within the applicant's tree survey) would be retained. Other trees along the western site boundary would not be retained, despite the applicant's tree constraints plan suggesting their protection (the applicant's arboricultural report is out of date in this respect). Notwithstanding the comments of KC Landscape regarding the site's existing vegetation, the amenity value of the trees along the site's western boundary is considered to be low. The limited other tree cover in the surrounding area would magnify the loss of these trees. The proposed replacement tree planting around the southern car park area is to be more numerous and of a higher standard than the trees which they would replace. A condition is recommended, securing the retention of trees T1, T2, T3, T4 and G1, and their protection during construction.
- 10.68 Given the above assessment, the proposal is considered to be in accordance with Policies LP24, LP30 and LP33 of the adopted Kirklees Local Plan.

Flood Risk and Drainage

Flood Risk

- 10.69 Policy LP27 requires that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. The national policy requirements are set out in NPPF (Chapter 14). This details the sequential approach to development and flood risk to steer new development to areas with the lowest risk of flooding from any source.

- 10.70 The site falls outside of the Environment Agency's flood zones 2 and 3, where the highest risk of flooding is identified to occur. The site lies in Flood Zone 1, meaning it is considered to be at the lowest risk of river and fluvial flooding. As the site is less than 1 ha in size, a Flood Risk Assessment is not required. The proposed is considered in principle to be in accordance with Policy LP27 of the adopted Kirklees Local Plan.

Local Water Environment Impacts

- 10.71 The Calder and Hebble Navigation (canal) is located 140m east of the red line boundary and the River Calder is located even further away at a distance of 290m. Part of the site falls within the Canal and River Trust's notification area as it is classed as major development within 150m of a water asset. Given its proximity and scale of the proposal, the Canal and River Trust have reviewed the submitted information, and have raised no objections to the proposal in terms of any potential impacts on the canal. In light of this, the proposal is considered to be in accordance with Policy LP34 of the adopted Kirklees Local Plan.

Surface and Foul Water Drainage

- 10.72 Policy LP28 contains a presumption for the use of sustainable drainage systems (SuDS). In addition to this presumption, the policy also states that "development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development".
- 10.73 NPPF (Chapter 14) Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 10.74 The applicant has submitted a Drainage Impact Assessment and Proposed Drainage Strategy in support of this application.

Surface Water Drainage

- 10.75 The revised surface water drainage strategy would provide an underground attenuation tank beneath the proposed car park area. This would be equipped with a vortex control device and Klargester-type interceptor to control flow and remove pollutants respectively. Surface water is shown to ultimately leave the site via an existing Yorkshire Water combined sewer.
- 10.76 It is noted that, in contrast to the drainage design submitted under 2022/90189, the foul water system would outfall separate from the surface water outfall. Yorkshire Water have not objected to this arrangement and have proposed pre-commencement conditions for the protection of the local water supply as well as compliance with the development of separate systems for foul and surface water. A further condition requiring evidence of compliance with the drainage hierarchy was also required by the statutory undertaker, however it is considered to be superseded by the conditions set out by the Lead Local Flood Authority in their response.

10.77 Officers also note that surface water drainage via a public sewer is considered to be a last resort, as defined by the sustainable drainage (SuDS) hierarchy. As highlighted by NPPF Paragraph 169, SuDS-based infiltration are the preferred option where possible. Evidence has been submitted, as subsequently corroborated by KC Lead Local Flood Authority (LLFA), that an infiltration-based solution should not be used on this site due to the underlying geology and other constraints. As such, the use of an option further down the hierarchy is considered to be acceptable in this instance.

10.78 The LLFA previously objected to the proposed surface water drainage strategy (under 2022/90189) as it did not adequately demonstrate an acceptable strategy for the whole site, and suggested unacceptable discharge rates. Following the submission of a revised strategy, the LLFA requested further details of microdrainage calculations and a maintenance and management risk assessment and method statement for the attenuation tank and flow control. This information has since been provided in the amended Drainage Impact Assessment by Alan Wood and Partners (KH/DG/46486-Rp001-Rev A) which has enabled the LLFA to remove their objection subject to conditions on the basis of the following evidence and specifications:

- The proposed allowable surface water discharge rate of 37.9 l/s (as stated in Section 5.3.7 of the DIA) for the 1 in 100 year (plus CC) rainfall event.
- Discharge of attenuated surface water to the 375mm via YW Surface Water sewer (as shown on the Proposed Drainage Strategy drawing – Proposed Drainage Strategy SUEN–AWP–ZZ–XX–DR–C–3000–P01).
- The MicroDrainage calculations (included in Appendix F of the DIA) indicating no flooding for the 1 in 100 year (plus CC) rainfall event.
- The proposed Maintenance Schedule (included in Section 5.12 of the DIA) for the drainage system.
- The overland exceedance flood routing plan (included in Appendix G of the DIA).

10.79 The LLFA have noted that the developer has not included any access information or low flow channel details for the proposed GeoCell tank. The LLFA have indicated that cleaning of the tank would be difficult. The LLFA advises that a low flow channel along the length of the tank between inlet and outlets on opposite ends of the tank would be preferable to reduce the accumulation of silts. A future detailed design would be required to provide this.

10.80 The conditions recommended by the LLFA include the submission of a detailed design for foul, surface and land drainage, alongside details of temporary measures to control and mitigate for any risk of flooding emanating from the site during the construction period. Lastly, a condition for installation of oil and petrol interceptors across all hardstanding on the site has been recommended.

Foul Water Drainage

- 10.81 The applicant has proposed a foul water drainage connection to the existing sewer on Bretfield Court to the west of the site. Connection to the existing network would be subject to an agreement made under the Water Industry Act 1991 (as amended) with Yorkshire Water. The foul water drainage drain would incorporate a pump to facilitate drainage to the existing network. Suitable conditions are recommended, securing a long-term management and maintenance plan for the foul water drainage to ensure its effective use over the lifetime of the development. Yorkshire Water have raised no concerns over the proposed foul water drainage strategy.

Planning Obligations

Section 106 Agreement

- 10.82 To ensure the impacts of the proposed development are suitably mitigated, a Section 106 Agreement would be required to secure the following Heads of Terms:

- 1) Biodiversity – A financial contribution of £119,600 towards off-site measures to achieve biodiversity net gain in accordance with the Biodiversity Net Gain Technical Advice Note;
- 2) Skills – Provision of a package of training and educational support for existing and future employees based upon the parameters of a Framework Skills Plan (which intends to secure a training programme for at least 15% of the workforce on a yearly basis with up to 45% of the workforce on a training programme after three years of the development being brought into use);
- 3) Sustainable Transport – Measures to encourage the use of sustainable modes of transport, including a financial contribution towards a Sustainable Travel Fund as well as a further £10,000 towards Travel Plan monitoring;
- 4) Off-site Highway Works – An off-site financial contribution of £20,000 towards bus stop upgrades; and
- 5) Management – The establishment of a management company for the management and maintenance of infrastructure relating to surface water and foul drainage infrastructure until formally adopted by the statutory undertaker.

Other Material Considerations

Contaminated Land

- 10.83 Policy LP53 requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted.

- 10.84 NPPF (Chapter 15) Paragraph 183 requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.
- 10.85 The applicant has submitted a Phase I Ground Investigation and Coal Mining Risk Assessment Report in support of this application. This details that there are no probable unrecorded shallow mine workings in the vicinity of the site, and that no further intrusive investigations would be required regarding historical coal mining activities in the area or instability issues arising therefrom. Mine gas is also not considered to be of concern to the application. The report details, however, that due to the site's previous uses, ground contamination is potentially likely, and that further testing would be required.
- 10.86 A further Phase II Ground Investigation Report has also been submitted. KC Environmental Health have reviewed the submitted information and agree with the findings of the Phase I Report in terms of land contamination. However, they do not accept the findings of the Phase II Report due to issues around site characterisation and adequacy of ground gas testing. As a result of this, KC Environmental Health recommend pre-commencement conditions for a Phase II Report, remediation and validation of contaminated land.
- 10.87 Officers acknowledge the approach taken by KC Environmental Health and agree that further investigation, remediation, and verification can be secured by conditions. As such, the proposal is considered to be in accordance with Policy LP53 of the adopted Kirklees Local Plan and NPPF (Chapter 15).

Employment Opportunities

- 10.88 The application form states that 80 full-time equivalent employees operate from the applicant's current premises and that the development would maintain these jobs.

Climate Change

- 10.89 The main feature of this scheme (of relevance to renewable energy and climate change) is the integration into the building's roof profile of a significant solar array. A supporting "Designer Report" by installers Solar Edge sets out that the building will be subject to 931 photovoltaic modules that are simulated to have a maximum output of 249.8kW of power that represents an annual energy production potential of 296.80MWh. Importantly this represents the equivalent of either 57.4 tonnes of CO₂ or the planting of 2,636 trees, according to the applicant's submission. These calculations also take account of the seasonality of the array's energy production.
- 10.90 The inclusion of this energy infrastructure within the scheme design is a significant positive when judged within the planning balance and is supported by the requirements of Policy LP26 clause (e) of the Kirklees Local Plan which requires any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.

Construction Matters

- 10.91 KC Environmental Health have recommended the imposition of a pre-commencement condition for a Construction Environmental Management Plan (CEMP) to protect and safeguard the residential amenities of the nearest residential occupiers from disturbance and pollutants resulting from construction of the proposal. Officers agree with this approach and recommend the relevant conditions.

Retail Impact

- 10.92 The proposal is for the erection of a new industrial/commercial unit with the main use being a production warehouse (B2/B8), other uses, including offices and a retail showroom are considered as ancillary. Therefore, this would be acceptable in terms of Local Plan policy LP8, provided there is no conflict with the established employment uses in the area. In conclusion, KC Planning Policy (commenting on the previous application) welcomes the re-development of this site, in that it brings forward part of a Priority Employment Area for re-development. It would provide new premises and support the growth aspirations of an existing business, maintaining jobs with the district.
- 10.93 As the town centre uses within the proposed floorspace are determined to be ancillary, it is not considered that a sequential or retail impact study is required in this instance.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal is a sustainable development that will be advantageous to the local economy through the retention of 80 FTE jobs. The development would cause some minor harm in relation to trees loss, but this impact is determined to be acceptable given their low value and a sufficient compensatory scheme would be provided elsewhere within the site. The site would also be of benefit in relation to flood risk in that it would include a sustainable drainage system that would hold water during periods of heavy rain which would otherwise have been discharged directly to the adjacent canal. A sufficient biodiversity net gain cannot be achieved on the site, however a policy-compliant improvement to biodiversity habitat would be secured off-site through the proposed terms of the legal agreement. The incorporation of a solar array is also considered to be a significant positive.
- 11.2 Other planning considerations would be addressed via appropriately worded conditions.
- 11.3 This application for new commercial premises to enable business expansion within the borough is recommended for approval.

12.0 CONDITIONS - (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Commencement of development within three years.
2. Development in accordance with approved document schedule.
3. Submission of and adherence to a Construction Environmental Management Plan.
4. Submission and implementation of a Construction Environmental Management Plan: Biodiversity for the purpose of protecting species and their habitats on site.
5. Submission and implementation of temporary drainage for the construction period.
6. Visibility splays to be provided.
7. Operation and delivery time restrictions.
8. Submission of an Air Quality Screening Assessment.
9. Submission and implementation of a Noise Assessment.
10. Installation of a fat and grease interceptor to food preparation areas.
11. Submission of and adherence to an External Lighting Design Strategy for Biodiversity and Residential Amenity.
12. Submission and installation of kitchen/canteen extraction system details
13. Submission of a Phase II Contaminated Land Survey.
14. Submission of a Contaminated Land Remediation Strategy.
15. Implementation of a Contaminated Land Remediation Strategy.
16. Submission of a Contaminated Land Validation Report.
17. Submission and implementation of a detailed drainage design.
18. Submission and adherence to details relating to the protection, maintenance and access to the public water supply.
19. Details of surfacing and draining of parking areas.
20. Details of waste storage and collection to be provided.
21. 2m wide footway to be provided.
22. Submission, inspection and implementation of external materials specifications and samples.
23. Submission of evidence confirming installation of the solar array.
24. Submission and implementation of hard and soft landscaping details.
25. Retention and protection of trees.
26. Submission and implementation of a Biodiversity Enhancement Management Plan to ensure that on-site Biodiversity Net Gain.
27. Submission and implementation of security measures.

Background Papers:

Application and history files.

[link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90531>

Certificate of Ownership: Certificate A signed