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:	**2023/62/90662/W**
Site Address:	Cummins Turbo Technology, St Andrew's Road, Huddersfield, HD1 6RA
Description:	Erection of single storey extension to bay 9 to create a lobby to the works area and single storey extension to bay 10 to create a lobby to the works area and extension of existing canopy
Recommending Officer:	Lucy Taylor

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 12th July 2023

Officer Report.

Reference: 2023/90662

Location: Cummins Turbo Technology, St Andrew's Road, Huddersfield, HD1 6RA

Proposal: Erection of single storey extension to bay 9 to create a lobby to the works area and single storey extension to bay 10 to create a lobby to the works area and extension of existing canopy.

Site Description.

Cummins Turbo Technologies is an engineering company hosting numerous large commercial and office buildings across several sites around St Andrews Road.

The application relates to Bays 9 and 10, located to the western side of St Andrews Road. Boundary treatment around the site comprises of metal railing fencing.

The site is Allocated as a Priority Employment Area in the Kirklees Local Plan, registered as PEA16.

Description of Proposal.

The proposed extension to Bay 9 will have a projection of 3.1 metres, a width of 9 metres and a height of 4.85 metres. The extension proposes access doors and windows to the front elevation.

The proposed extension to Bay 10 will have a projection of 4.6 metres and a width of 6.4 metres. Above the extension, an extending canopy will be erected, with a total projection of 9 metres and a maximum height of 6.6 metres. A Sectional Speed door is proposed to the front elevation of the extension.

The extensions will be faced in light grey cladding, with light grey cladding to the roofs. The proposed doors will be grey sectional overhead doors to match existing.

History of Negotiations/Amendments Received.

Following a formal consultation response from KC Environmental Health, the applicant submitted a Phase 1 Environmental Desk Study & Coal Risk Assessment.

KC Environmental Health were re-consulted on this, providing confirmation that they generally agree with this report. However, as further intrusive

investigations would be required, they also recommended several conditions, including a pre-commencement condition relating to the submission of a Phase 2 Intrusive Site Investigation Report. The applicant has provided confirmation of agreement to this pre-commencement condition via email.

In addition, following an initial objection to the scheme from The Coal Authority, the applicant submitted a Coal Mining Risk Assessment prepared by RGS Ltd (dated 22 August 2017). Upon re-consultation, The Coal Authority confirmed that withdrew their initial objection and raised no further concerns.

Relevant Planning History.

The site is an active commerical area. There are numerous planning applications on the site, within the wider Cummins compound and at neighbouring businesses. None are considered relevant to this current application.

Representations.

We are currently undertaking 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 which expired on: 27th April 2023.

No representations were received.

Consultation Responses.

KC Environmental Health – Generally agree with the report titled Phase 1 Environmental Desk Study & Coal Mining Risk Assessment Report by Rogers Geotechnical. As further intrusive investigation is required, they recommend conditions in relation to contaminated land and gas monitoring.

The Coal Authority – have no objection to the proposal following the submission of a Coal Mining Risk Assessment prepared by RGS Ltd (dated 22 August 2017).

Policy.

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

The site is a Priority Employment Area on the Local Plan Policies Map.

In addition, the site is located within an area a with a known presence of bats and within the River Colne Corridor Strategic Green Infrastructure Network.

The site is within Flood Zone 2 (bay 9) and Flood Zone 1 (bay 10).

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP8 – Safeguarding Employment Land and Premises
- LP21 – Highway Safety and Access
- LP22 – Parking Provision
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and improvement of local air quality
- LP53 – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, together with Circulars, Parliamentary 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 11 – Making effective 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

Assessment.

The following matters are considered in the assessment below: -

1) Principle of Development
2) Impact on Visual Amenity
3) Impact on Residential Amenity
4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1) **Principle of Development**

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.

Land Allocation – Priority Employment Area:

The site falls within a Priority Employment Area. The proposed development is considered ancillary to an employment generating use. When considering development of employment generating uses in a PEA, LP8 states:

1. Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area. In instances where the site is out of centre and the proposal includes main town centre uses then policy LP13 will need to be applied

The proposal will enhance the function and accessibility of the applicant's business, which is welcomed. The proposed structures are of a modest size/scale and are well separated from neighbouring businesses. Officers are satisfied that there
would be no conflict with neighbouring employment uses. The proposal has no interaction with LP13. The proposal complies with LP8.

Chapter 6 of the NPPF establishes a general principle in favour of economic development. This is subject to not conflicting with other material planning considerations. Nonetheless Chapter 6 adds weight in favour of the proposal and the principle of development is considered acceptable. Consideration must be given to the local impact, outlined below.

2) Impact on Visual Amenity

The NPPF 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 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."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'
- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- '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...'

The proposed extensions to Bay 9 and Bay 10 are of a modest size/scale and would be read as subservient in the context of the substantially larger buildings to which they will adjoin. The proposed extensions are to be faced in light grey cladding, this is in keeping with the appearance of the buildings to which they will be connected. St Andrew's Road is a commerical area hosting numerous large and small commerical buildings. The proposed utilitarian extensions will not appear incongruous within this setting.

The proposed extensions would not appear out of place within the established built environment, in accordance with LP24 of the Kirklees Local Plan.

The extensions would be set back from St Andrews Road within the site and would be constructed from materials which would correspond with those on the adjoining and surrounding buildings. As such, the impact of the proposal on the host buildings and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3) Impact on Residential Amenity

Section B and C of LP24 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 users.

The proposed extensions are to be erected at Cummins Turbo Technology, within a predominantly commercial area, amongst existing commerical buildings at the commerical complex. No residential properties are located

within the immediate vicinity of the site, with the nearest buildings also functioning with a business or commerical use.

Therefore, it is concluded that the works would have no impact on residential amenity, complying with policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide also seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal would not be likely to directly impact upon the site's demand for parking, with the extensions to be used ancillary to existing buildings within Cummins complex.

In addition, it is not considered that the proposals would materially affect existing parking or access arrangements on site.

As such, the scheme would not represent any additional harm in terms of highway safety, complying with LP21 and LP22 of the Kirklees Local Plan.

5) Other Matters

Flood Risk:

Policy LP27 of the Local Plan and Chapter 14 of the NPPF set out that a sequential approach to development should be applied to demonstrate that proposals have been directed to areas at the lowest probability of flooding. In the case of this application, the latest flood modelling information from the Environment Agency clarifies that the extension to bay 10 would be in flood zone 1, lowest risk of flooding.

The extension to bay 9 is within flood zone 2. This extension has a footprint of 28sq m and thus there is standing advice from the Environment Agency about how flood risk should be considered.

A short form flood risk assessment has been submitted. This is used for non-domestic extensions where the additional footprint created by the development does not exceed 250 sq. metres. This has not been completed but the accompanying design and access statement clarifies that the following mitigation would be employed:

The proposed extension floor levels will be level with the existing floor levels. Bay 9 existing flood defence system will remain in-situ.

This is considered sufficient to manage the very modest extension on an existing hard surface. The new doorways would replicate existing doorways in the existing building, so would not alter the wall to opening ratio along this elevation.

Biodiversity:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal includes works to the roof in relation to the extension of the existing entrance canopy at Bay 10. However, given the age, design and use of the building it is considered unlikely to contain roosting bats. In addition, upon assessing the building, it appears to be well-sealed.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Contaminated Land:

The site has been identified as being located on land which is potentially contaminated due to a former use.

Several conditions will be imposed upon any grant of permission, relating to required intrusive investigations and the reporting of contamination to the Local Authority. This is to accord with policy LP53 of the Kirklees Local Plan. The agent has agreed to the imposition of pre-commencement planning conditions.

Climate Change:

The proposal would comprise of extensions, to be used in association with existing buildings at the site. As such, no special measures were required in terms of the planning application with regard to carbon emissions. A Climate Change Statement which is proportionate to the development proposed has been submitted with the application.

As such, it is concluded that the scheme appropriately complies with Chapter 14 of the NPPF and policy LP51 of the Kirklees Local Plan.

Coal:

The site falls within the defined Development High Risk Area.

The Coal Authority records indicate that a coal seam of workable thickness infers to outcrop at or close to the surface of the site that may have been historically worked beneath parts of the site where new development is proposed; specifically Bay 9 which could affect public safety and surface stability for the proposed development.

Upon formal consultation, The Coal Authority were satisfied with the submitted Report on a Coal Mining Risk Assessment prepared by RGS Ltd (dated 22 August 2017), which confirmed an assessment of up-to-date geological and mining information. The report confirms the mineral support conditions beneath the site to be satisfactory, specifically on the basis of the nature of the superficial deposits and the high water tables. Furthermore, this report has been updated and combined with a Phase I report for the site. It is this updated document that is referred to in the plans table.

6) Representations

No representations were received.

7) 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 the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers
Application Number: 2023/90662
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 Policies LP1, LP2, LP3, LP8, LP21, LP22, LP24, LP27, LP30, LP51 & LP53 of the Kirklees Local Plan and policies within Chapters 2, 4, 6, 11, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall be constructed from grey cladding to match the appearance of existing buildings and be thereafter retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF.

4. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any contamination within the site is identified at an appropriate stage of the development process.

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 Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that an appropriate remediation scheme is agreed at an appropriate stage of the development process.

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 the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Footnote (Contaminated Land): 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

Footnote (Bats): 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.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	28/02/23
Existing Bay 9	P01	-	28/02/23
Proposed Bay 9	P01	-	29/02/23
Existing Bay 10	P01	-	28/02/23
Proposed Bay 10	P03	-	28/02/23
Contaminated Report (Phase 1/Desk) and Coal Mining Risk Assessment	C3558/23/E/5385	-	19/06/23
Climate Change Statement	-	-	14/03/23
Design and Access Statement	-	-	28/02/23
Flood Risk Assessment	39413/4001	-	28/02/23

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. The applicant submitted additional information following consultation responses from KC Environmental Health and The Coal Authority.

Report Dated: 12.7.23