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:	**2023/62/91394/E**
Site Address:	Phoenox Textiles Ltd, Spring Grove Mills, Spring Grove, Clayton West, Huddersfield, HD8 9HH
Description:	Erection of single storey extension to existing warehouse
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: 21-7-23

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Officer Report

Reference No. 2023/62/91394/E
Site Address: Phoenox Textiles Ltd, Spring Grove Mills, Spring Grove, Clayton West, Huddersfield, HD8 9HH
Proposal: Erection of single storey extension to existing warehouse

Site Description
The application relates to Phoenox Textiles, an industrial site situated in Clayton West, Huddersfield. The site is not within a conservation area, nor are there any listed buildings or public right of ways within close proximity. The wider area comprises a combination of residential and industrial properties of varying materials and architectural styles.

Description of Proposal
The application seeks planning permission for the erection of a single storey extension to an existing warehouse. The details of the proposal are as follows:

- The proposed single storey extension would infill the space between two existing warehouses.
- The extension would have an overall height of approx. 8.55m and an eaves height of approx. 6.85m.
- Construction materials – Insulated profiled steel sheeting to match the colour of the existing buildings with clear composite roof lights

Relevant Planning History
2017/94330: Erection of two storey extension. Planning application details | Kirklees Council – **Conditional Full Permission**
2007/93299: Change of use of industrial area to van hire. Planning application details | Kirklees Council – **Conditional Full Permission**
2007/92174: Change of use of industrial area to van hire. Planning application details | Kirklees Council – **Conditional Full Permission**
2003/92633: Renewal of unimplemented permission for erection of factory and storage building. Planning application details | Kirklees Council – **Conditional Full Permission**
2002/91686: Renewal of unimplemented permission for erection of factory and storage building. Planning application details | Kirklees Council – **Refused**

98/91639: Erection of factory and storage building. Planning application details | Kirklees Council – **Conditional Full Permission**

Representations
The application was publicised by neighbour notification letters, which expired on 21st July 2023. As a result of the above publicity, one representation has been received. A summary of the neighbour's comments can be found under the 'Representations' section of the Officer's report.

Denby Dale Parish Council – No objections

Consultation Responses
KC Highways – No objections
KC Ecology Unit – No objections
KC Environmental Health – No objections subject to the recommended conditions
Environment Agency – No objections
KC Lead Local Flood Authority – Finished floor levels should match that of the existing and we would encourage resilience techniques to be included in the design for a new build, such as electric located at an elevated level.

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, it is located within the Strategic Green Infrastructure Network. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of new development
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 51** - Protection and Improvement of Local Air Quality
- **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 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

<u>Assessment</u>

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. The proposed development would create employment opportunities and would support ongoing operations. Therefore, the proposal would accord with Policy LP3 and Chapter 6 of the NPPF.

   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 single storey extension would extend approximately 35m from the south-western side elevation of the existing warehouse and would be associated directly to the use of the site. The external walls and roofing materials of the extension would be constructed from insulated profiled steel sheeting with clear composite roof lights. The design of the warehouse extension is considered to be typical for such a use and would be acceptable in this regard. Although the extension would have an excessive scale, it is noted that the enlargement 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 submitted plans confirm that no properties located to the north, east and west of the application site would be affected by the proposed works. However, it is noted that there are a number of residential properties located south of the site. Given that the proposed development would occupy a position approximately 22.5m from the properties along Spring

Grove, separated from the extension by the existing works, 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

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.

KC Highways Development Management were informally consulted as part of this application. Although Officers did note that the extension would create employment for five additional staff members, they did express that the proposed works would not materially intensify the use or affect the existing parking arrangements on site. For these reasons, the scheme would not represent any harm in terms of highway safety and as such accords 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
Given the nature of the scheme and the existing structure for which the extension is proposed, it is considered that the site provides minimal opportunities for biodiversity. Therefore, KC Ecology have no objection to this application and do not consider it prudent to include measures to enhance biodiversity.

Contaminated Land
The proposed development is on land that is shown as being potentially contaminated from its former and current use. The site is already established as a working mill and the proposals are to extend the existing building involving groundworks, therefore Environmental Health have recommended a condition relating to unexpected contamination.

Construction Noise
The Council's Environmental Health Officer has requested that construction site working times are conditioned. Construction practices are covered by other regulations and it is not considered necessary or reasonable, in this instance, to attach a condition regarding site working times, but an informative regarding construction practices can be attached instead if permission is granted.

Flood Risk
The proposed development falls within Flood Zone 2 and therefore a flood risk assessment has been submitted with the application. The Environment Agency have provided standing advice, raising no objections to the scheme. The Lead Local Flood Authority have advised that finished floor levels should match that of the existing and resilience techniques to be included in the design for a new build, such as electric located at an elevated level. Although this has not been addressed within the flood risk assessment, these details have been annotated on the proposed plan layout drawing. Furthermore, given that the proposed extension would serve as a warehouse which would continue the existing use, Officers have no objections on flood risk grounds.

5. Representations

One representation was received following the statutory publicity. Concerns were raised regarding smells from the existing factory. However, this relates to the existing use and ongoing site operations. The development proposed is not considered to result in any increase in nuisance in this respect and as such cannot be refused on this basis. Furthermore, Environmental Health have been consulted and raise no concerns in this respect.

6. Negotiations

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

7. Conclusion

This application for the erection of a single storey extension at Phoenox Textiles 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: 2023/91394
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, LP3, LP21, LP22, LP24, LP27, LP30, LP31,

LP51, 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 works 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 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.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays.

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

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: The River Dearne is designated as a 'main river'. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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: 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.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	-		26/05/2023
Existing Plan Layout	02		26/05/2023
Proposed Plan Layout	03	A	19/07/2023
Proposed Roof Layout	05		26/05/2023
Proposed Roof Layout	05		26/05/2023
Section through extension	06		26/05/2023
Existing/Proposed NW Elevation	07		26/05/2023
Proposed SW Elevation	08		26/05/2023
Flood Risk Assessment	00284		26/05/2023
Climate Change Statement	-		26/05/2023

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: 20/07/2023