



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/92023/W

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: M ZULQARNEYN

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

**CHANGE OF USE FROM GENERAL INDUSTRY B2 TO STORAGE AND
DISTRIBUTION B8**

At: Z A ENTERPRISES LTD, 4, MARSH GARDENS, HONLEY, HOLMFIRTH,
HD9 6AP

In accordance with the plan(s) and applications submitted to the Council on 18-Jan-2024, subject to the condition(s) specified hereunder:-

1. 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 to accord with Policies LP1, LP2, LP7, LP21, LP22, LP23, LP24, LP30, LP31, LP51, LP52 and LP53 of the Kirklees Local Plan, Policies 1, 2, 9 & 12 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapters 2, 4, 8, 9, 12, 14 & 15 of the National Planning Policy Framework

2. Any office element within the building hereby approved falling within Use Class E(g)(i) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall only be used in association with and as an ancillary component of the use within B8 of Schedule 1, of the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted at the site. At no time shall any offices be separated and used independently.

Reason: For the avoidance of doubt as to what is being permitted, to ensure the vitality of local centres and in the interests of residential amenity to accord with policies LP13, LP24 and LP52 of the Kirklees Local Plan and policies contained within Chapters 8 & 12 of the National Planning Policy Framework.

3. The use hereby permitted shall not be open for Customers, Deliveries and Dispatches outside the hours of:

- 0800hrs to 1800hrs Monday to Saturday
- 1000hrs to 1600hrs Sunday and Bank Holidays

There shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries to the premises shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Within one month of the date of this decision, a Noise Management Plan shall be submitted in writing to the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the deliveries/dispatches and the actions that will be taken to prevent a loss of amenity. Within two months of the issuing of the written approval of the Noise Management Plan, the approved Noise Management Plan shall be implemented and retained thereafter.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

5. No vehicle shall access the site in association with the use hereby approved that has a vehicular weight that exceeds 3500kg.

Reason: In the interests of access and highway safety to accord with policy LP21 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework.

6. There shall be no external storage within the area outlined in red upon drawing (100)01 titled 'Site Plan'.

Reason: In the interests of access and highway safety and visual amenity to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapters 9 & 12 of the National Planning Policy Framework

7. Within three months of the date of this decision all vehicular parking and turning areas shown on the submitted plan titled 'Srigid & sdv vehicle tracking and parking' (ref: 0001revA) shall be laid out with a hardened, sealed and drained surface and all parking bays marked up and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout. Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

8. Within two months of the date of this decision an operations management plan shall be submitted to the Local Planning Authority. The submitted plan shall include, but not be limited to, the following:

- a) Number of deliveries and collections per day
- b) Number of vehicles associated with all deliveries and collections per day
- c) Method of monitoring and keeping of record of details required by parts a) and b) of this condition.
- d) Measures to inform local residents about operations of the site including extent of residents being consulted
- e) Methods for local residents identified by part d) of this condition to contact occupiers of the site in the event of any complaints including contact details.

The information required by part (c) of this condition shall be made available and provided to the Local Planning Authority within a period of 28 days upon request. The plan approved by this condition shall be put into place within two months of the issuing of the written approval of the Local Planning Authority of the operations management plan and the use of the site shall be thereafter operated in accordance with this plan.

Reason: In the interests of access and highway safety and visual amenity to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan, Policies 2 & 11 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapters 9 & 12 of the National Planning Policy Framework

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	LOC	/	06.07.2023
Site Plan	(100)01	/	14.07.2023
Covering Letter by Acumen Designers & Architects	-	-	06.07.2023
Climate Change Statement	-	-	13.07.2023
Vehicle Tracking and Parking Plan	0001A		14/04/2025
Access Statement	2328		14/04/2025

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 has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application. Further information was submitted to address matters raised by the Highways Team.

DEVELOPMENT WITHIN A COAL MINING AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk/)

Digital Infrastructure: Fibre To the Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost-effective provision of fibre infrastructure in the future.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals.

Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) **28 days of the date of service of the enforcement notice, or**
 - ii) **within the specified period, starting on the date of this notice,****whichever period expires earlier.****
- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**
- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**
- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 16-Jul-2025

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2023/62/92023/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
