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:	**2023/62/93486/E**
Site Address:	Shawcross 170, Churwell Vale, Shawcross Business Park, Dewsbury, WF12 7RD
Description:	Reconfiguration of building, re-orientation of car parking and service yard, erection of a noise barrier and external alterations
Recommending Officer:	Nina Sayers

DECISION – CONDITIONAL FULL CONDITIONAL (S016 AGREEMENT)

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.

Julia Steadman

AUTHORISED OFFICER

Date: 16/5/2024

Officer Report

Site Description

170 Churwell Vale, Shaw Cross Business Park, Horace Waller V C Parade, Shaw Cross, Dewsbury, WF12 7RD

The application site serves a former commercial unit within Shaw Cross Business Park. It comprises a large unit, which previously served a manufacturing unit, and associated parking and access. The site is accessible via Churwell Vale, an unadopted highway adjoining Horace Waller CV Parade then Owl Lane roundabout. The site is allocated as a Priority Employment Area within the Kirklees Local Plan

The site is in a predominantly industrial area with industrial units to the north, south and west. To the east of the site is a grassed section of land with trees which separates the plot from a Rugby Pitch and residential estate. Part of which is a Wildlife Habitat Network.

Description of Proposal

Planning permission is sought for the reconfiguration of building, re-orientation of car parking and service yard, erection of a noise barrier and external alterations.

The existing structure would be sub-divided into two industrial units (Class B). They would serve General Industrial (B2) and Storage and Distribution (B8) Use. There would be an internal two storey structure installed within unit B with new window and door openings to the front (western) elevation. Additionally, there would be shutter lorry doors to northern and southern elevations.

The car park would be reorientated to create 3 service yards and marking sufficient for 175 new car parking space, including provision for new accessible spaces, lorry parking and cycle storage as well as electric vehicle charging points. The car park would require an additional 256m2 of hardstanding in the north-eastern corner of the site.

A 3m high, timber acoustic fence would be erected to the south of the building which would align with the eastern elevation.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. Prior to validation of the application, an amended site plan was sought and provided to ensure the red line boundary extended to join the adopted highway. The description of development was also amended

following discussions with the agent. These were updated prior to advertisement of the application so no re-advertising was necessary. No amended plans or details were received during the course of the application.

Relevant Planning History

Application Site

- 96/92972: Outline application for general industrial and construction of access road and associated earth works – Granted

- 96/93619: Erection of factory, ancillary offices and external areas – Granted

- 98/93509: Erection of two factory units – Granted

- 2000/93403: Erection of extension to existing factory including associated car parking and loading facilities – Granted

- 2001/92939: Variation of condition 22 to allow production operations on previous permission 96/62/93619 for erection of factory, ancillary offices and external areas – granted

- 2020/93724: Advertisement Consent for erection of non-illuminated signs – Granted

- 2021/94145: Advertisement consent for erection of illuminated sign – Granted

Surrounding Area

Southern unit, currently UPS Supply Chain Solutions

- 97/90055: Erection of warehouse/food production and chill storage building with associated offices, parking and access – Granted

- 97/91290: Erection of warehouse/food production and chill storage building with associated offices, parking and access – Granted

- 99/93240: Erection of 9290 square metres distribution depot with vehicle maintenance building offices, gate house, vehicle wash and fuel point and exterior wash – Granted

- 2000/91763: Variation of condition 22 relating to noise levels on previous permission 99/62/93240 for erection of 9290 square metres distribution depot with vehicle maintenance building offices, gatehouse, vehicle wash and fuel point and exterior wash – Granted

Land Adj to Dewsbury Rams RLFC, Owl Lane, Dewsbury (residential development to the east)

- 2014/90780: Erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping (Relocation of MUGA's) – Granted

- 2015/90201: Variation condition 3 (plans) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping for phase 1 of the development (64 dwellings) – Granted

- 2015/92998: Variation of condition 3 (approved plans and specifications) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping (Relocation of MUGAs) – Decision pending

- 2016/93543: Erection of 4 dwellings – Granted

Note: Minor applications, such as discharge of conditions and householder extensions, are not listed here as they are concluded to be irrelevant to the application proposal.

Representations

Final publicity date Expires:
Neighbour letters initially expired on 21st March 2024.

No representation was received.

Consultation Responses

KC Highways DM: No objections.

KC Environmental Health: No objections subject to condition.

Lead Local Flood Authority: No comments received.

Local ward members were notified of the application. No comments were received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the

Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within land allocated as a Priority Employment Area, allocation PEA28, on the LP Policies Map.

Kirklees Local Plan (LP):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP8** – Safeguarding employment land and premises
- **LP9** – Supporting skilled and flexible communities and workforce
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP52** – Protection and improvement of environmental quality

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 9** – Promoting sustainable transport
- **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

Other Material Considerations:
- Kirklees Highways Design Guide SPD (2019).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).

Assessment
The following matters are considered in the assessment below –
1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety

4) Other matters
5) Representations
6) Conclusion

1 – Principle of 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.

This application is for the sub-division of an existing industrial unit. The site is located in a Priority Employment Area (PEA28 – Shaw Cross Business Park, Dewsbury) as designated in the Kirklees Local Plan. Currently the site has ~15,000m^2 of floorspace, which is currently vacant but has previously been used for commercial manufacturing (B2). The proposed development would not result in any additional external floorspace, although a two-storey ancillary office would be erected within the existing structure which would add an addition 250m^2 of floorspace at first floor level. It is noted that the extended floor area would still be within the existing structure and would be ancillary to the proposed commercial use which is considered acceptable within a priority employment area.

As this site is located within a designated Priority Employment Area, any development would have to demonstrate how it complies with Policy LP8 of the Kirklees Local Plan. Part 1 of the policy states that proposals for 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 in the area (as defined in the Glossary).

The Local Plan Glossary defines employment generating uses as being those which come under Use Classes B1, B2 and B8. Following changes to the Use Classes Order, Use Class B1 has been replaced with Use Class E. The proposed development would bring a currently vacant building back into use and would be used for Class B2 and B8 uses, the proposal can therefore be considered to be making provision for employment generating uses. The surrounding uses are a similar use class to the proposal site, so the proposal would be compatible in relation to neighbouring uses. Therefore, the proposed development can be supported on the grounds of Policy LP8.

Policy LP9 of the Kirklees Local Plan states that the council will work with partners to accelerate growth through the development of skilled and flexible communities and workforce in order to underpin future economic growth to deliver the Kirklees Economic Strategy.

Wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education in training. Applicants should reach an agreement with the council about measures to achieve this, which could include: provision of specific training and apprenticeships that are related to the proposed development or support other agreed priorities for improving skills and education in Kirklees or the creation of conditions to support a higher performing workforce, increasing productivity and the in-work progression of employees. The Council will therefore seek to secure an agreed training or apprenticeship programme with applicants where 3,500 sq. m or more of business or industrial floorspace is proposed. In proposing an additional 250m^2 of floorspace, this threshold is not triggered.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24 suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby 131 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."

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…"

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The proposed external alterations to the building would be relatively minor alterations including additional openings in the western (front) and north elevation and alterations to the openings in the southern elevation. The proposed openings would be in keeping with the general industrial character and would be similar in design to the existing openings. Therefore, these would not cause any additional harm to visual amenity.

The external material would remain as existing, and the proposed works would be in materials to match. It is noted that the existing green cladding would be repainted in Grey. This would be in keeping with the existing grey features on the building and would be more in keeping with the other industrial units in the surrounding area, thus considered an improvement to the existing.

The proposed acoustic fencing would be timber and 3m in height. It would be set to the eastern side of the site so would not be prominent from the front of the building or the highway. The fence would however be visible from within the site and from the residential development to the east. Although when viewed from within the site, the proposed fencing would appear to be somewhat overbearing, given industrial use of the site and the existing height of the proposed building, as well as the acoustic benefits of the proposed fencing, this is considered acceptable on balance. The fencing would align with the existing eastern elevation, which is significantly higher than 3m and therefore the height would not appear incongruous when viewed from the east. There are a number of trees which would reduce the prominence of the fencing from the residential developments to the east, particularly during the spring and summer months. It is also noted that there is timber fencing along the western boundary of the residential development and therefore the proposed materials would mirror the existing development.

As such, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality and would comply with Policy LP24(a) and (c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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 135 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 eastern elevation of the building is ~56m from the nearest residential dwelling which is separated from the site by an area of greenery and trees. Therefore, no overlooking, overbearing or overshadowing harm is considered to be caused to residential amenity as a result of the proposed development.

The proposed industrial use has the potential to result in additional noise which could cause harm to residential amenity. KC Environmental Health (EH) have been consulted on the proposal. Their comments are provided in full within the consultation response and are summarised below.

The applicant has submitted a Noise Impact Assessment which assesses the noise emissions from the proposed development. It does not assess any changes in road traffic noise as no significant change in traffic volume generated by the site is expected.

Para 4.2 refers to discussions held with the applicant where it was agreed that the baseline monitoring conducted in 2014 would be suitable as a present-day survey would not be representative of the operating conditions due to the site being vacant. It was agreed that a maximum operating limit for internal noise would be set out in the acoustics report to avoid any tenants potentially undertaking commercial processes with high internal noise levels. Any future tenants can satisfy themselves that the unit is suitable for their future operations and business activities prior to agreeing to the lease of either unit.

The nearest noise sensitive receptors (NSRs) are identified as Cedar Court, Amberwood Close and Rosewood Drive to the East of the site. Based on library data for typical warehouse operations, an upper limit of 80dB LAeq is given in table 7 which is typical of a B2/B8 use. For internal noise the point at which hearing protection must be made available is not expected in a typical B2/B8 use.

The identified building fabric and relevant sound insulation values are provided, and HGV movements and loading/unloading have been considered for both daytime and nighttime.

Noise modelling has been conducted with proposed acoustic fencing. It outlines that the predicted noise levels at NSRs at Cedar Court would indicate a low impact. Any specifically noisy operations proposed by future tenants would need to be confirmed by an acoustic consultant, which may identify whether noise control measures are necessary. A Noise Management Plan containing detail similar to that as shown in para 6.1.3 will ensure any operational noise is managed and controlled.

An upper limit is given for fixed mechanical plant to ensure there is no loss of amenity to the nearest NSRs. Similarly, it would be expected that any proposed fixed mechanical plant to be assessed by an acoustic consultant to ensure it meets with the outlined criteria.

In conclusion, the assessment states '… *the site may operate in a way which results in no significant impacts on the nearest sensitive receptors. To achieve this, the site must include an acoustic barrier to the south of the site as shown in this report, operate considerately and to no greater than the allowable internal noise limits in this report, and install plant that complies with the noise limits set by Kirklees Council. Any plant or internal activities that are likely to exceed the noise limits within this report will require the tenant to introduce further noise control measures, supported by a noise assessment which can be submitted to Local Authority'*.

The findings of the report are accepted by KC EH and conditions are recommended to protect the amenity of neighbouring properties. These should be included in any positive decision notice.

As such, it is considered that the proposed development would not result in harm to residential amenity. The proposal therefore complies with Local Plan Policy LP24(b) and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF 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."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

KC Highways Development Management (HDM) have been consulted on the proposal. Their comments are provided in full within the consultation response and are summarised below.

The proposed development would benefit from the existing access off Churwell Vale, an unadopted, two-way, single carriageway industrial estate road with footways on both sides and street lighting present. Churwell Vale links to the adopted highway via Horace Waller VC Parade. There is a small length (approx. 30m) of Churwell Vale that is adopted to the south of the southern access to the site, but this does not adjoin to the site. It is noted that there is a large amount of on street parking on Churwell Vale.

A Transport statement and a framework travel plan from Fore Consulting were submitted as part of the application along with a proposed layout drawing.

The proposed, whilst currently vacant, has been previously used for industrial use and could be used for industrial use without the need for planning permission. There is not expected to be any increase in trip generation which would have a severe impact on the operation or efficiency of the adopted highway network outside the industrial estate. Although, the proposed two-story office space would expect some uplift in trips from the previous use.

The access points to the sites would remain as existing, with a new boundary fence installed to delineate the two parking/deliveries areas for the two units. The additional car parking spaces provided for unit B should go some way to cover the expected intensification of use of the building due to the proposed internal office space and we would not expect these changes to cause concerns relating to parking in the area.

The access points are existing and are suitable for waste collection and servicing vehicle access and skip storage and collection areas have been indicated. These are considered acceptable by KC HDM.

The application was accompanied by a framework travel plan that is to be administered until the final unit is occupied, then the full travel plan responsibility would fall to the occupiers of the units, with details of the full travel plans (occupier travel plans) based on the principles set out within the framework travel plan. A framework travel plan coordinator (FTPC) would be assigned for the duration of the framework travel plan and after occupation of the final unit the role of Travel Plan Coordinator would be taken up by the occupiers of the units to administer the full travel plans for each unit.

The framework travel plan covers details of funding of the full travel plans (to be covered by the occupier) and this is considered acceptable by KC HDM.

The baseline trip mode figures were obtained using 2011 census journey to work data and this is acceptable as refined travel to work data for the 2021 census may not be available and may be skewed by home working and covid restrictions.
The baseline and revised targets are acceptable as the reduction in single car occupancy is targeted as a 7% modal shift to sustainable modes. The suggestions for monitoring of the occupier travel plans are acceptable as a guide and negotiations for their amendment can be carried out in conjunction with the Kirklees travel plan monitoring officer.

The reporting time periods proposed are considered acceptable, although KC HDM would like to add a table showing historical survey results when they become available over the 5 years of monitoring so that mode shift can be easily identified throughout the period of the travel plan monitoring process.

The sustainable Travel Initiatives suggested in section 4 are considered acceptable. As well as the action plans and measures listed in tables 3 and 4. KC HDM would like to see the benefits of membership of the WYCA Travel

Plan Network highlighting by the FTPC at changeover to the OTPC. This can be secured by condition.

Whilst the above detail is considered acceptable by KC HDM, a travel plan monitoring fee would be required of £3000 for Unit A per annum for 5 years and £2000 for Unit B per annum for 5 years must be secured via S106 agreement prior to the development being determined.

It is therefore considered that subject to a S106 agreement, the proposal would not cause additional harm to the safe and efficient operation of the highway network, thus complying with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology
There is a Wildlife Habitat Network (WHN) located to the east of the application site, between the existing site and the residential development. The proposed development would not be on any land within the WHN nor would it protrude any closer than the existing development. The proposed works are all primarily to the existing developed area or areas of hardstanding and therefore officers do not believe any harm would be caused to existing habitats. The proposal therefore complies with LP30 of the Kirklees Local Plan.

Land contamination
This site has been identified on the councils mapping system as being adjacent to potentially contaminated land due to its previous use as a colliery. Contaminated land conditions are therefore necessary. KC Environmental Health were consulted on the proposal and had no objections subject to the above conditions. The proposal therefore complies with LP53 of the Kirklees Local Plan.

Flood Risk
The application site is partially located within Flood Zones 2 and 3 as demonstrated on the Environmental Agency's Flood Map. This is limited to the eastern part of the site, where no development would be taking place. The proposed works would be primarily works to the existing structure and associated hardstanding. Approximately 256m2 of additional hardstanding would be proposed within the north-eastern side of the site to extend the existing parking provision. The Lead Local Flood Authority (LLFA) were consulted on the proposal and informally responded that they would offer no comment for a relatively small section of additional hardstanding. Therefore, no additional harm is considered to be caused to flood risk as a result of the proposed development. The proposal would therefore comply with the aims of Chapter 14 of the NPPF.

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 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is for alterations to an existing industrial use. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. It is noted that the proposal is providing electrical vehicle charging points. It would be conditioned that the details of these are conditioned.

Section 106 Contribution
A unilateral undertaking under S106 of the Town and Country Planning Act 1990 has been undertaken and signed by the applicant for a fee of £25,000.

6 – Representations:

No representations received.

7 – Conclusion:

This application for the reconfiguration of building, re-orientation of car parking and service yard, erection of a noise barrier and external alterations at 170 Churwell Vale, Shawcross Business Park, Dewsbury, 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.

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.

As set out above, 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 it is, therefore, recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2023/93486
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The hereby approved development shall operate in accordance with the noise limits as detailed within table 13 of para 6.1.3 within the Noise Impact Assessment authored by Ramboll dated November 2023 Ref RAM-XX-XX-RP-AC-00001.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before the development is brought into use, an acoustic barrier, as recommended and shown in figure 6 of the Noise Impact Assessment authored by Ramboll dated November 2023 Ref RAM-XX-XX-RP-AC-00001, and as specified in the drawing from Edward Architecture dated November 2023 Ref P011, shall be erected and retained thereafter.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. Before the development is brought into use, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the noise mitigation measures that will be used at the proposed development to control noise from the site, and it shall demonstrate that the noise will not cause a loss of amenity at nearby noise sensitive premises. The approved scheme shall be implemented before the development is brought into use and retained thereafter.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of

the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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 paragraph nos. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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 paragraph nos. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 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 paragraph nos. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or 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 paragraph nos. 189 and 190 of the National Planning Policy Framework

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification 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 paragraph nos. 189 and 190 of the National Planning Policy Framework

12. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The proposed hours of operation of the lighting
a) The location of all the luminaires
b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
c) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
d) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

13. The development hereby approved shall not be occupied until all areas indicated to be access and parking areas are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

14. Within the first 3 months of the final unit of the development being occupied, a Full Travel Plan shall be submitted to and approved in writing by the LPA for each of the units. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- contact details for the travel plan coordinator
- the provision of bus/train information;
- membership of the WYCA Travel Plan Network
- car sharing facilities
- the introduction of working practices to reduce travel demand and
- the provision of on site cycle facilities and information.

The Travel Plan will include details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the LPA.
Reason: To comply with the Council's sustainability objectives and to ensure the safety of the highway network in line with LP21 of the Kirklees Local Plan.

15. Prior to the development being brought into use, electric vehicle recharging points shall be installed. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for 10% of the total parking spaces at the premises

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

NOTE: 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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the “Guidance Note 01/21 for the Reduction of Obtrusive Light”* by the Institution

of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.

With no working Sundays or Public Holidays.

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

Plans and specification schedule:

Plan Type	Reference	Version	Date Received
Location Plan	1111-EA-A-P001	B	15/02/2024
Existing Site Plan	1111-EA-A-P002	B	15/02/2024
Existing Elevations, Roof Plan and Section AA	1111-EA-A-P003		15/02/2024
Proposed Site Plan	1111-EA-A-P004	D	15/02/2024
Proposed Unit B Office Plans and Elevations	1111-EA-A-P005		15/02/2024
Proposed Elevations, Roof Plan and Section AA	1111-EA-A-P006	A	15/02/2024
Boundary Treatment Detail 01	1111-EA-A-P010		15/02/2024
Boundary Treatment Detail 02	1111-EA-A-P011		15/02/2024
Design and Access Statement	(1111) - DAS01C	February 2024	15/02/2024
Energy Statement		02	15/02/2024
Planning Statement		November 2023	15/02/2024
Whole Life-Cycle Carbon Assessment		01	15/02/2024
Framework Travel Plan	31201	1.1	15/02/2024
Transport Statement	31152	1.1	15/02/2024
Noise Impact	RAM-XX-XX-RP-	1.0	15/02/2024

Assessment	AC-00001		
Biodiversity Metric 4.0	ISBN: 978-1-7393362-0-2		15/02/2024
Biodiversity Net Gain Assessment	ER-7218-01		15/02/2024

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 has, 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. Prior to validation of the application, an amended site plan was sought and provided to ensure the red line boundary extended to join the adopted highway. The description of development was also amended following discussions with the agent. These were updated prior to advertisement of the application so no re-advertising was necessary. No amended plans or details were received during the course of the application.

Report dated: 16/05/2024