

**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:	2024/62/90899/E
Site Address:	Newlay Concrete, Thornhill Works, Calder Road, Ravensthorpe, Dewsbury, WF12 9HY
Description:	Erection of concrete batching plant, single storey office block and installation of concrete pad
Recommending Officer:	Nina Sayers

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 8-OCT-2024

Officer Report

Site Description

Newlay Concrete, Thornhill Works, Calder Road, Ravensthorpe, Dewsbury, WF12 9HY.

The application relates to an existing concrete factory in Ravensthorpe. The concrete plant is currently located adjacent to the eastern boundary of the site with associated stockpile areas and buildings located within the wider site. The site is adjacent to Calder Road to the east, the railway to the south and the River Calder to the north.

The site is located within the Strategic Green Infrastructure Network as allocated within the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of a concrete batching plant, single storey office block and installation of concrete pad.

The proposal would comprise the relocation of the existing concrete plant to allow for the alterations to the eastern part of the site which are proposed under Network Rail's Transpennine Upgrade. The plant would be accessed to the north with associated feed stockpile bunkers, control cabin and single storey office within the site.

The office would be a 9.6 x 12 metre single storey building and would be located to the east of the proposed plant.

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. Additional information was sought and provided by the applicant regarding land contamination and coal mining legacy, as outlined in the other matters section of this report. A dust mitigation plan was also requested and provided.

Relevant Planning History

Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 5 of the Development.

Representations

Final publicity date Expires:

This application was advertised via site notice. Publicity expired on 4th September 2024.

No representation was received.

Consultation Responses

KC Highways Development Management: no objections.

KC Crime Prevention: no objections.

KC Environmental Health: no objection subject to condition.

Canal and River Trust: no comments.

The Coal Authority: no objections.

National Grid: no objections.

Network Rail: no objection subject to condition. Requested amendments to red line boundary.

National Gas: no objections.

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 located within the Strategic Green Infrastructure Network as allocated within the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 9** – Supporting skilled and flexible communities and workforce
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 31** – Strategic Green Infrastructure Network
- **LP 53** – 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) updated 27th December 2023, 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 8** – Promoting Health and Safe Communities
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- 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 relocation of an existing concrete batching plant, an associated single storey office building and installation of concrete pad within the site of an existing concrete works.

The proposed development is located within the Strategic Green Infrastructure network. LP31 of the Kirklees Local Plan gives priority to safeguarding and enhancing green infrastructure networks. In this instance the proposal is within the confines of the existing concrete works, which is covered in hard standing and therefore there would be no loss of green infrastructure as a result of the proposal. Given the nature of the site, which is located within an existing concrete works it is not considered appropriate to include any additional green infrastructure in this instance.

It is also noted the applicant has outlined that the relocation is necessary to allow for an access to facilitate the TransPennine Upgrade and the proposed new station which would be located south of the site.

Taking this into consideration and given the proposal would be within the site of an existing concrete plant, the principle of development is considered acceptable in this instance.

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 development is for the relocation of an existing concrete plant and associated infrastructure. Given the plant would be relocated within the existing site, this is not considered to have any additional impact on visual amenity over and above the existing arrangements on site. The proposed office would be 9.6x12m which is large in scale however it would be single storey and would be a replacement for the existing two-storey office on the site. The proposed is considered visually less intrusive than the existing and as such would be an improvement in terms of visual amenity. Taking this into consideration and given the proposal would be within the site of an existing concrete plant, the impact on visual amenity is considered acceptable in this instance.

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) 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 application site is located 162m from the nearest residential development. The proposal is for a replacement concrete plant which would be located marginally further away from the nearest residential dwelling than the existing. As such no significant harm is considered to be caused to residential amenity over and above the existing arrangements on site.

KC Environmental Health (KC EH) did however raise concerns as the proposed use would cause a significant amount of dust. They requested a dust mitigation plan which was provided by the applicant. The site manager has been designated as the responsible person on site and is tasked with monitoring the site. The submitted report lists a range of dust management techniques and refers to the Institute of Air Quality Management (IAQM) guidance. Additional information within an email from the agent outlined that a road sweeper is available on site and is currently operational 3-5 days per week.

KC EH accept the information required and no longer recommend a condition in relation to dust management. The applicant is reminded that the plant is

subject to a permit to operate under the Environmental Permitting (England and Wales) Regulations 2016, permit number PPC E168. The permit contains conditions in addition to the supplied dust management plan.

It is noted that there is a station approved to the south of the site. This did not arise at the public inquiry for the Transpennine Upgrade application and planning permission has subsequently been granted for the station in that location.

As such, it is considered, subject to conditions, that the proposed development would not result in significant harm to residential amenity. The proposal therefore complies with Local Plan Policy LP24(b) and Chapter 12 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.

The new concrete batching plant is to replace an existing batching plant, which is to be removed as it is located on land to be taken by Network Rail for the TransPennine Rail Upgrade works. The new batching plant would not result in an increase in employment or traffic movements. The access arrangements from Calder Road are unchanged by these proposals although it is noted that the access arrangements would be changed under the approved TransPennine Rail Upgrade Works. These have already been approved.

As this application is for a replacement of an existing batching plant and office with no increase in employment or traffic movements, it is considered that there would be no harm to highway safety over and above that already assessed and considered acceptable under the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022. KC Highways Development Management have no objection to these proposals.

It is noted that Network Rail raised concerns regarding the proposed red line boundary and requested that it was amended to include the approved changes to the access under the Deemed Planning Permission for the TransPennine Upgrade. Officers note that the changes to the access had not begun at the time the application was submitted. The submitted red line boundary includes all the land necessary to carry out the proposed development, as required by the NPPG, therefore officers consider that the red line boundary does not need to be amended. The alterations to the access would be carried out under the Transpennine Upgrade application and

not under this application so would be unnecessary to be included within the red line boundary.

It is therefore considered that 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:

Land contamination

The proposed development is on land that has been identified as being potentially contaminated due to its former use (our site reference 49/11). According to the Coal Authority the site is also in a High Development Risk Area with the potential for shallow coal workings and the presence of mine gas. Therefore, additional information regarding land contamination was required. The applicant submitted a Phase 1 and 2 report which were reviewed by Environmental Health. The submitted Phase 2 was missing results of gas monitoring which was then provided by the applicant.

The Coal Authority were consulted on the proposal and initially objected to the proposal as the initially submitted Coal Mining Report had been informed by limited information. An Intrusive Coal Mining Investigation Report (NCL/03/WWjcl2, 01st August 2024) prepared by ARP Geotechnical Ltd was submitted and, following clarity that no remedial or mitigation measures were considered necessary for the area of concrete hardstanding, the Coal Authority removed their objection to the proposal. The proposal therefore complies with paragraphs 189 and 190 of the NPPF and LP53 of the Kirklees Local Plan.

Railway Line

Network Rail initially provided a response which outlined a number of informative conditions and footnotes to attach to their decision. However, on 2nd September 2024, Network Rail contacted officers following this to outline that the applicant has been informed separately and direct that there would be no requirement for further involvement so the informative can be withdrawn from their response.

Electricity

There is an Electricity Pylon adjacent to the site and the overhead wire run across part of the site. The proposed development is not located underneath, or directly adjacent to the wires and the National Grid were consulted on the proposal and confirmed that no National Grid Electricity Transmission assets affected in this area. Therefore, officers have no further concerns regarding this matter. It is recommended the applicant contacts the Distribution Network Operator of the overhead lines before beginning development.

River Calder

The River Calder runs along the north of the site. The site is located within Flood Zone 1 so the site has a low probability of flooding. The Canal and River Trust were consulted on the proposal and had no comments to make on the proposal.

Ecology

The application site is located within a Bat Alert layer and would include demolition of the existing concrete plant. Given the concrete plant is in operation, it is unlikely that it would have potential for roosting bats. The rest of the application site is covered in hard standing so has limited potential for ecology. The scheme is therefore considered to comply with Policy LP30 of the Kirklees Local Plan.

6 – Representations:

No representations were received.

7 – Conclusion:

This application for the erection of a concrete batching plant, single storey office block and installation of concrete pad at Newlay Concrete, Thornhill Works 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: 2024/90899

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. If contamination, the presence of coal and/or evidence of coal workings 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. 189 and 190 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: Due to the proximity of the proposed development to the operational railway boundary, the developer should liaise with Network Rail's Asset Protection Team (assetprotectioneastern@networkrail.co.uk) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

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: Before development begins, the applicant is advised to contact the Distribution Network Operator of the overhead lines which cross the application site.

NOTE: The plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should seek advice from Environmental Health, PO Box 1720, Huddersfield, HD1 9EL telephone 01484 221000, or email pollution@kirklees.gov.uk.

NOTE: The drainage scheme must comply with the conditions required under the Environmental Permitting (England and Wales) Regulations 2016 and be designed to prevent cement dust and silt from entering the drainage network.

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	20241/01		28/03/2024
Layout Plan	30352/02		28/03/2024
Concrete Plant Layout	141721		28/03/2024
4 Bay Office & Canteen	9875-1	F	28/03/2024
Supporting Statement		Marsh 2024	28/03/2024
Stage 1 geo-environmental desk study report	NCL/03		07/08/2024
Stage 2 geo-environmental report	NRL/01		08/08/2024
Supporting letter	NCL/03/OGjcl4		13/09/2024
Ground Gas Risk Assessment	NCL/03/WWjcl5		01/10/2024
Air Quality Assessment and Dust Control Measures	10241/Air Quality Assessment/CJB/031024		03/10/2024

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. Additional information was sought and provided by the applicant regarding land contamination and coal mining legacy, as outlined in the other matters section of this report. A dust mitigation plan was also requested and provided.

Report dated: 07/10/2024

