

**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:	2024/62/92103/W
Site Address:	Pennine Foods Ingredients Ltd, Crosland Road, Oakes, Huddersfield, HD3 3PA
Description:	Erection of storage building and associated works
Recommending Officer:	Katie Chew

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.

John Holmes

AUTHORISED OFFICER

Date: 15th November 2024

Officer Report

Site Description:

Pennine Foods Ingredients Ltd, Crosland Road, Oakes, Huddersfield, HD3 3PA

The application site relates to an area of hardstanding within the existing Pennine Food Ingredients complex. The Pennine Food Ingredients complex comprises of several single and two-storey brick built and metal-clad industrial/commercial buildings, with off-street car parking provided towards the front of the site. The site is accessed from Crosland Road to the west.

To the north of the site are residential dwellings, to the south and east are other commercial and industrial units, and to the west is private undeveloped land which is surrounded by further residential dwellings.

The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

Description of Proposal:

The application seeks planning consent for the erection of storage building and associated works.

The proposed storage building will be located to the north of the existing buildings on site currently used in accordance with the Pennine Foods Ingredients Ltd business. The building will be constructed on land which currently comprises of hardstanding and will be rectangular in form. The building is to measure approximately 25.1m x 10.14m and will have a shallow pitched roof. The building will have a ridge height of 7.03m, and an eaves height of 5.4m.

The building is to be constructed with steel clad walls with a PVC tarpaulin roof (industrial grade) and metal roller shutter doors.

Within the submitted application forms it is noted that the existing car parking, disability spaces and cycle spaces are all to be retained on site. There are also to be no increase in staffing numbers, or any changes to the existing operating hours which are confirmed as being 7am – 8:30pm by the applicant.

History of negotiations/amendments received

Amendments were sought to reduce the overall height of the proposed building down, to be more in line with adjacent buildings in the interests of both visual and residential amenity. Further information was also requested in respect of bin storage and the displacement of 6 existing parking spaces to the rear of the site.

Relevant Planning History

2002/90400 – Replacement of existing single storey industrial buildings. Withdrawn 19th June 2002.

Planning Enforcement

COMP/18/0120 – Alleged breach of condition 2 of 2016/91900 (nighttime working – the roller shutters should be closed whilst vehicles are being loaded or unloaded inside the building – it is alleged they are left open). No evidence of breach.

Representations

Final publicity date expires:

Neighbour Letters – Expired 17th September 2024.

1 representation in objection to the proposals has been received; comments are summarised below.

- The new structure would impact on neighbouring properties, with the height of the building compromising natural light.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The height of the building will take away views had from neighbouring properties.

Officer note: Noted. Unfortunately, there is no 'right to a view' and therefore this does not form a material planning consideration to which significant weight can be afforded in the determination of this application.

- Approving the application would possibly have an effect on the value of adjacent neighbouring properties.

Officer note: Noted. However, impact upon property values is a consideration that cannot be afforded significant weight.

- Building so close to residential properties could attract vermin if it is used for storage.

Officer note: Noted. The Council's Environmental Health Officers were consulted and raised no concerns in respect of potential vermin issues.

- Concerns in respect of noise pollution. Will the working hours be the same or are they planning to extend these?

Officer note: Noted. The Council's Environmental Health Officers have been consulted on the proposals, their comments can be found under the consultation responses and residential amenity sections of this report. In terms of opening hours, no extended hours have been applied for within this application.

- The application says temporary building, how long will this building be there for?

Officer note: Within the submission there is no indication as to how long the building will be in situ, it is believed that this refers more to the design of the building being semi-permanent which gives the business more flexibility in the short-term in providing the needed storage space. This building has therefore been assessed within this report as being a permanent structure on the site.

1 comment has been received; this is summarised below.

- The proposed building and its height would have a detrimental effect on neighbouring properties and would be an overwhelming presence leaving no natural light to enter neighbouring dwellings.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Not wholly opposed to the application as it would improve the aesthetics of the facility.

Officer note: Noted.

- Concerned that the growth of the facility would have an increase on activity. If the application is granted measures should be undertaken by the company to mitigate the disruption that would come from the facility to residents to reduce the noise and traffic.

Officer note: Noted. This is discussed in more detail within the residential amenity and highway safety sections of this report.

- The amount of noise and traffic already at the facility is disruptive to neighbours.

Officer note: Noted. Noise impact is discussed in more detail within the residential amenity and section of this report.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that amended plans were received during the course of the application, these amendments sought to reduce down the overall height of

the originally submitted building by around 1.4m and therefore it was not considered reasonable or necessary to re-consult third parties again in this instance.

Consultation Responses

KC Ecology Unit – No comments received within statutory timescales.

KC Environmental Health – Comments received 29th August 2024. No objections subject to conditions relating to noise, unexpected contamination, and hours of operation. The applicant is also advised via an informative that prior to development commencing the Food Safety Team of Environmental Services should be contacted to arrange an advice visit to discuss food safety and hygiene requirements.

KC Highways Development Management (informal) – Comments received 23rd October 2024. No significant concerns other than Officers requested the submission of additional information/clarification on where the existing bins are to be stored at the site and where the existing 6 parking spaces shown to the rear of the site are to be moved to.

Officer note: Following receipt of the above comments, the applicant and applicant's agent sought to provide additional information via email, this is discussed in more detail within the highways section of this report. They also provided an amended site plan which showed the location of the waste storage areas. Highways Officers considered the submission of this information to be acceptable and that the servicing arrangements are unchanged by these proposals; the existing parking demand is low and the numbers of HGVs using the access is low. Highways Development Management have therefore no further objection to these proposals.

KC Trees – Comments received 19th August 2024. The proposals do not appear to have any effect on the adjacent trees covered by a TPO, providing no ground is broken. No comments or objections.

Parish/Town Council

N/A.

Local Ward Members

None.

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 application site is allocated as a Priority Employment Area in the Kirklees Local Plan. The site is also partially located within a Bat Alert Area. It is also important to note that there are TPO trees running along the northern boundary (outside of the red line boundary) of the site.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP8 – Safeguarding Employment Land and Premises
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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. Most specifically in this instance, the below chapters are of most relevance:

- 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, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)

- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

1 – Principle of Development

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land Allocation (Priority Employment Area)

The application site forms part of a larger Priority Employment Area (PEA). The PEA (ref: HUD21) which has a gross area of 3.82ha. This application site has an area of around 0.4428ha.

Chapter 6 of the NPPF relates to building a strong competitive economy. Paragraph 85 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policy LP8 of the Kirklees Local Plan relates to safeguarding employment land and premises and states: *“Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area.”*

The proposals seek planning permission for the erection of a storage building (B8 Use Class) and associated works. This is an employment generating use (as defined in the Local Plan glossary), which would be provided on land already related to a B2 Use. The proposal would therefore not result in the loss of an employment use but would in fact provide additional employment use at the site adjacent to existing buildings relating to the Pennine Food Ingredients complex. This aspect of Policy LP8 is therefore complied with.

The proposed provision of new employment floorspace designed to meet present-day employment needs is welcomed, as is the potential job creation associated with the proposed development.

Officers are satisfied that, given the separation distances and general suitability of adjacent commercial uses, the proposals would not cause conflict with the established employment uses. This will be considered in further detail in the assessment, where relevant.

The site is also to be located on a portion of existing hardstanding and is classed as brownfield land; this type of development is actively encouraged within the Local Plan under planning policy LP7 and Chapter 11 of the NPPF.

In conclusion, the proposal would provide an employment generating use within an allocated Priority Employment Area, whilst also representing an efficient and effective use of land. Therefore, the principle of development is considered to be acceptable.

In terms of the proposed employment the proposals will bring, within the submitted application forms it appears that no additional employees would be working at the site should planning permission be granted. Nevertheless, the provision of this modern storage building may help to support future employment opportunities within the area and this therefore weighs in favour of the proposed development and accords with Local Plan Policies LP3 and LP7 by utilising brownfield land for employment generating uses.

Consideration must now be given to the developments impact upon the local area, this is assessed below.

2 – Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The application concerns the erection of a semi-permanent building for storage purposes. The proposed storage building will be located to the north of the existing buildings on site currently used in accordance with the Pennine Foods Ingredients Ltd business. The building will be constructed on land which currently comprises of hardstanding and will be rectangular in form. The building is to measure approximately 25.1m x 10.14m and will have a shallow pitched roof. The building will be single storey with a ridge height of around 7.03m, and an eaves of around 5.4m.

The building is to be constructed with steel clad walls with a PVC tarpaulin roof (industrial grade) and metal roller shutter doors. The appearance of the building is to be simple and linear, and utilitarian and functional in design. Officers consider the layout, scale, size, design and materials of the building to be reflective of other units located within the surrounding area and therefore are deemed to be acceptable.

In summary the proposed development is considered to utilise an area of hardstanding which is currently being used for external storage and bin storage. The tidying up of this land is welcomed and given the siting, scale and design of the proposed building, it is considered that the proposal would be read against other commercial and industrial units within the immediate vicinity and would not appear visually jarring within this context.

Taking the above into account, the proposals are considered to have an acceptable impact with regard to the Character and visual amenities of the area in accordance with Local Plan Policies LP1, LP2 and LP24 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 occupiers.

Paragraph 191 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the

pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

The nearest residential properties with the possibility of being impacted by the proposals are dwellings located on Birkdale Avenue, to the north of the application site. Most specifically nos. 11 & 15 Birkdale Avenue. The proposed building would be 8.6m from these dwellings (at its closest point). Given the scale / nature of the building there are no concerns in respect of overlooking. In addition, the building is to be a lightweight and temporary structure which would be viewed against existing similar sized units within the existing complex, and due to the level of separation Officers do not consider there to be concerns in regard to overshadowing or the proposals appearing overbearing in nature on this occasion.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from the noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into consideration noise pollution at the site, the Council's Environmental Health team were consulted on the proposals and noted that the new building will comprise steel clad walls and a tarpaulin type roof, as we have been provided with little information regarding the type of noise generating activities associated with the use of the proposed structure, it is recommended that a condition be imposed, should planning permission be granted, to ensure noise generating activity is considered in relation to nearby sensitive receptors and any appropriate controls/attenuation/mitigation is applied. Furthermore, it is acknowledged that construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason an informative will also be included which will limit the hours of operation for the construction site. Hours of operation would be subject to condition limiting them to those of the existing site.

Given the above, and subject to condition, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, Paragraph 115 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.

The application site relates to an area of hardstanding within the existing Pennine Food Ingredients complex. The Pennine Food Ingredients complex comprises of several single and two-storey brick built and metal-clad industrial/commercial buildings, with off-street car parking provided towards the front of the site. The site is accessed from Crosland Road to the west. The application seeks planning consent for the erection of storage building and associated works.

Given the nature of the proposals the Council's Highways Officers were consulted, they did initially request the submission of additional information and clarification in respect of the displacement of 6 existing car parking spaces, waste storage and collection facilities and access for HGV's. The applicant and applicant's agent sought to provide amended plans which showed suitable locations for the waste storage, provision of 12 parking spaces and further clarification via email which outlines that there is to be no change from the current usage of HGV's on site, these will remain the same on the delivery amounts because of the new building. The number of vehicles is between 2-3 artic vehicles per day, of the larger vehicles and the rest are vans which can enter and exit the yard without hindrance. When large vehicles do visit the yard, they reverse in and are met by a trained banksman who knows when the delivery is due as a time is booked in to ensure a smooth delivery process. When the vehicle is ready to leave the yard, it is already facing in the correct position to exit and carry on with its journey. Visibility when exiting the site is also good in either direction.

In addition to the above, the applicant noted that the proposed temporary building will only be required for a maximum of 5 years but that they are simply replacing what they previously took down which formed part of the existing building and is to help facilitate and grow a long-established business that has been in the same family since 1965. Whilst the business have looked into moving out of Kirklees they have not been able to find bigger and more suitable premises. While there are larger sites available these are too big, the owners also would like to stay in Kirklees as there staff are based here and they also live in Kirklees.

The applicant also acknowledges the loss of 6 car parking spaces but notes that they have 42 people working for Pennine Foods with only 8 cars parking on site. Other employees choose to use public transport and utilise car sharing. Only 1 member of staff chooses to park on the highway which is neither double yellowed or permit parking. Most of the parking during the day on the lower end of Crosland is from drivers leaving cars on the road from Pink Link, students from Greenhead and users of Merry England, alongside

local resident parking. Crosland Road is also extensively used by motoring schools for driver training.

Highway Officers therefore concluded that the submission of the above information is acceptable and that the servicing arrangements are unchanged by these proposals, the existing parking demand is low and the numbers of HGVs using the access is low. Highways Development Management have therefore no further objection to these proposals.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the NPPF.

5 – Other Matters

Trees

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity.

In this instance it is noted that there are protected trees located to the north of the site, outside of the red line boundary. Given the nature of the proposals the Council's Trees Officer was consulted, they note that the proposals do not appear to have any effect on the adjacent trees covered by a TPO, providing no ground is broken. Therefore, Officers have no comments or objections. Officers have no reason to dispute this conclusion and therefore the proposals are considered to accord with LP33 of the Kirklees Local Plan.

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.

Whilst the application is not supported by a Climate Change Statement the proposals relate to a temporary light weight structure which is brought to site from the supplier and is of a simple factory make up. The structure is also to be erected on an area of hardstanding and therefore it is not considered necessary to request any additional information in respect of meeting the Council's sustainability objectives on this occasion as the proposals are considered to have a negligible impact.

Contaminated Land

With regard to land quality, Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The Council's Environmental Health Officers were consulted and note that the site of the proposed development is shown to be on potentially contaminated land, a former timber products premises. Whilst Officers acknowledge that little or no ground works are proposed with this development, a watching brief should be maintained, and a condition is therefore recommended in relation to unexpected contamination. This is considered to be sufficient to mitigate against any potential land contamination issues.

It is therefore concluded that subject to inclusion of the above-mentioned land contamination condition, the development accords with the requirements of Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan.

Biodiversity

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

Whilst part of the site is located within a Bat Alert Area, the portion of land which is to contain the proposed building is not, furthermore as the site currently comprises of a portion of hardstanding Officers do not consider the proposals would result in any impacts on roosting bats.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 2nd April 2024 (for minor and other applications) is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

Within the submitted application forms the applicant has stated that the proposals would not be exempt from Biodiversity Net Gain (BNG) conditions, noting that the predevelopment bio-diversity value of onsite habitats is 0. No degradation has taken place, and there are no irreplaceable habitats existing

on the land. The applicant has sought to submit a Annex Baseline Map, The Statutory Biodiversity Metric and a Biodiversity Gain Plan.

Notwithstanding the above, Officers consider the proposals to fall under the de minimis threshold which applies to development that does not impact a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats. As the site wholly consists of hardstanding and will not result in the loss of any habitat at the site, the proposals are considered to be exempt on this occasion.

6 - Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development, and it is recommended for approval.

Recommendation: Approve with conditions.

Decision Authorisation: Delegated Decision

Application Number: 2024/92103

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, LP7, LP8, LP20, LP21, LP22, LP24, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 6, 9, 11, 12, 14, and 15 of the National Planning Policy Framework.

3. The building hereby permitted shall not be in operation outside the hours 07:00am – 20:30pm and there shall be no deliveries to, or dispatches from the premises outside of these hours.

Reason: To ensure that the proposed use 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 the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The external walls and roof of the building hereby permitted shall be of a White colour finish, to match BS. 00-E-55 as shown in the British Standard Colour Chart. The colour finish of the building shall be thereafter retained. Should an alternative colour finish be intended to be used a scheme shall first be submitted to, and approved in writing by, the Local Planning Authority which details the intended colour finish. The colour finish of the building shall be in accordance with that approved by this condition.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) and with the exception of any ancillary and associated offices, the use of the building shall be restricted to those falling within Class B8 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of residential amenity and highway safety, as a different use falling within Class B (B2), could result in an undue disturbance and to ensure the development ensures a continued employment use of the site to accord with LP8, LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the National Planning Policy Framework.

6. Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- a) details of existing background and predicted future noise levels at the boundary of noise sensitive premises
- b) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: This is a pre-commencement condition to ensure that details in respect of noise management have been agreed at an appropriate stage of the development, to ensure that 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. 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 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: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Existing Site Plan & Site Location Plan	2042-00-01	-	9 th August 2024
Prop Site Plan	2042-00-02	B	12 th November 2024
Proposed Elevations	2042-00-02	A	22 nd October 2024

Existing Elevations	2042-00-03	-	9 th August 2024
Design and Access Statement – Supporting Information	-	-	9 th August 2024
Annex Baseline Map/Map Image – Supporting Information	-	-	9 th August 2024
Small Sites Metric (The Statutory Biodiversity Metric) – Supporting Information	-	-	9 th August 2024
Biodiversity Gain Plan – Supporting Information	-	-	9 th August 2024
Herchenbach document – Supporting Information	-	-	13 th November 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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to reduce the overall height of the proposed building down, to be more in line with adjacent buildings in the interests of both visual and residential amenity. Further information was also requested in respect of bin storage and the displacement of 6 existing parking spaces to the rear of the site.

Report Dated:

13th November 2024.

