

**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:	2024/62/92782/W
Site Address:	Deighton Wastewater Treatment Works, Ashgrove Road, Deighton, Huddersfield
Description:	Erection of motor control centre kiosk
Recommending Officer:	Joanna Rednall

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: 19th December 2024

The Site

The application site is a long-established wastewater treatment works in Deighton. It is bounded on the east side by the River Colne; it is in Flood Zone 3 and a buffer area for landfill gas. An industrial estate is to its west and to its east and south, is woodland and fields, some of which is Green Belt land.

The Development

The applicant is seeking planning permission for erection of motor control centre kiosk.

The application is retrospective and was completed 12th December 2023 as set out in the application form.

The motor control kiosk measures 4.5 metres in width, 10.8 metres in length and 2.8 metres in height. The kiosk is situated on a raised platform approximately 1.2 metres in height and 15.4 metres in length. The submitted plans show one access door each end of the kiosk within the south and north facing elevations.

The structure is constructed from glass reinforced plastic of a holly green finish.

The application has been submitted with the following accompanying documents:

- Flood Risk Assessment (Rev B)
- Preliminary Ecological Assessment (ref: HUDD-MMB-WWT-SED-SU-J-0002 AC.P03)

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

The relevant planning history is summarised as follows:

2022/93656 Installation of a primary sewage tank pump gallery ventilation system consisting of a 14.5-metre-high intake stack, pipe bridge and ductwork
Conditional Full Permission

2008/91889 – Erection of GRP control kiosk
Conditional Full Permission

91/05678 – Extension to existing sewage treatment works.
Conditional Full Permission

90/06075 – Extension to existing treatment works on operational land.
Conditional Full Permission

89/04214 – Extensions to existing sewage treatment works.
Conditional Full Permission

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 6th December 2024.

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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 is within the Strategic Green Infrastructure Network as identified within the Kirklees Local Plan.

The site falls within flood zones 2 and 3 as identified by the Environment Agency and within the Strategic Flood Risk Assessment.

The application site is located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP4 Providing infrastructure

- LP7 Efficient and effective use of land and buildings

- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP27 Flood Risk
- LP30 Biodiversity
- LP31 Strategic Green Infrastructure Network

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The development seeks to improve existing essential infrastructure within an existing site used for wastewater works therefore it is compliant with LP4 and LP7 of the Kirklees Local Plan.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal’s impact on achieving good design. In this case, subject to the acceptable assessment of impacts on visual and residential amenity, highway safety and all other relevant considerations, the principle of development could be concluded as acceptable.

2 – Impact on character and appearance of the area

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

Policy 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...”

The development relates to a motor control centre kiosk installed as a functional element of the operational Wastewater Treatment Works. The structure is modest in scale and is viewed in the existing context of it's the site within which it is sited, in this case a fully operational area of the treatment works. It is considered that the holly green finish is an appropriate colour choice in this semi-rural setting and appears in keeping with surrounding development within the established wastewater site.

The supporting statement sets out the vegetation screening beyond the wastewater treatment works boundary will remain and the siting of the development ensures the treatment works will continue to operate without causing undue disturbance to the amenity of the surrounding areas in the operational phase and any glimpsed views from visual receptors (users of Dalton Road and the canal) will remain largely unchanged.

Given the nature of the use of the site, its existing appearance and the scale of the development the subject of this application it is considered the development is acceptable in terms of visual impact.

For the reasons above, the development is therefore considered to have an acceptable impact on visual amenity and in accordance with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Local Plan Policy 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 development is located within the fully operational area of Deighton Wastewater Treatment Works and is far removed from any residential properties. Therefore, it is considered that it has no significant impact upon residential amenity by reason of noise, odours or any other factor that is significantly greater than that which arises as a result of the existing facility already.

It is therefore considered that the development does not cause significant harm to residential amenity, over and above the existing arrangement on site. The scheme therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework

4 – Impact on highway safety:

Paragraph 116 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 Highways Design Guide SPD is also relevant.

The kiosk is for the continued operations of the site, serving its existing use. The Planning Statement sets out that vehicular access to the site is taken from the public highway at Ashgrove Road and no works are proposed to the access or Ashgrove Road. The statement states that the kiosk can be accessed via an internal access track and that operational traffic associated with the development does not materially increase the existing traffic movements associated with Deighton Wastewater Treatment Works.

Given the above, it is considered that the development has no significant impact on highway safety, given it is within and serves the existing facility, and is compliant with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance, a Climate Change Statement was submitted, which sets out various mitigation measures including the measures to meet building regulations having to be undertaken and the consideration that the operation of the infrastructure is minimal.

In addition to this, the proposed development enhances an existing use, and it assists in wider environmental objectives.

It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the development is deemed to be in accordance with the aims set out above, and set out in the NPPF Chapter 14.

Ecology / Biodiversity:

Chapter 15 of the National Planning Policy Framework are 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.

The application site is located within an area with a known presence of bats.

As part of this application, a Preliminary Ecological Appraisal dated April 2024 was submitted, which concluded the river corridor with woodland to the east of the Site had High suitability for commuting and foraging bats, and the internal areas of the works area (sewage tanks, buildings, hard standing) had low suitability. With reference to the development, the appraisal considers the main works unlikely to have a significant impact on the habitats present and therefore bat activity transect surveys are not considered to be required at this time.

Whilst the site is located within an identified bat alert area, adjacent to a Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network, the development is relatively minor contained within an existing industrial site in operation and not seeking to encroach into sensitive areas. The Primarily Ecological Appraisal concluded the works will not directly affect the woodland or river corridor, however night-time working should be avoided to minimise the impacts to foraging and commuting bats within the area.

As the application is retrospective and the development has completed and given the conclusions of the Ecological Appraisal above, officers are satisfied that the minor extent of the works does not have an adverse impact on the bat population and a cautionary informative has been added to satisfy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Within the submitted application form the development is listed as being considered to be exempt, and the reason being due to being retrospective development. This is not, in itself, an exemption. However, in terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

The reason for this conclusion is that, from looking at aerial photos from 2018 and 2021 the land upon which the development is sited appears to be free from any form of vegetation / soft landscaping. An informative note drawing the requirements of BNG and the relevant exemptions would be included upon any grant of permission.

Flood risk

Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document is considered to be relevant. Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures to be undertaken for developments.

A site-specific FRA dated April 2024 has been submitted with the application. The report concluded that, as the kiosk is located on a platform with a mesh base, the impact on surface water flooding and flow routes will be negligible. Therefore, it is considered that the impact of the proposed development on surface water flood risk is low. The waste water treatment works is in the Coal Authority's coal mining reporting area, and the closest abandoned mine is approximately 0.9km to the south west of the WwTW26. With all these factors considered, it has been assessed the development is at a low risk of groundwater flooding.

The development has a minimal footprint, is of a flood resilient design and serves an existing use which is not considered to be vulnerable given it relates to infrastructure which requires minimal input from visiting employees. The development is not, therefore, considered to cause a significant increase in fluvial risk at the waste water treatment works in accordance with LP2 of the Kirklees Local Plan and Chapter 14 of the NPPF.

6 – Representations:

None received

7 – 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. It is considered that the development constitutes sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**
Decision Authorisation - Delegated Powers

Application Number: 2024/92782
Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be retained in complete accordance with the plans and specifications schedule listed in this decision notice.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP04, LP07, LP21, LP22, LP24, LP27, LP30 & LP31 of the Kirklees Local Plan, and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
PLANNING -SITE LOCATION PLAN	HUDDE MMB WWT SED DR C 0101	P02	27/09/2024
PLANNING -EXISTING SITE PLAN	HUDDE MMB WWT SED DR C 0102	P02	27/09/2024
PLANNING -PROPOSED SITE PLAN	HUDDE MMB WWT SED DR C 0103	P03	27/09/2024
PLANNING - PROPOSED KIOSK PLAN & ELEVATIONS	HUDDE MMB WWT SED DR C 0104	P03	27/09/2024
Cover Letter	-	-	27/09/2024
Flood Risk Assessment - April 2024	-	-	27/09/2024
Preliminary Ecological Appraisal - April 2024	-	-	01/10/2024
Application Form	-	-	01/11/2024
Climate Change Statement	-	-	01/11/2024

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 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. No amendments were sought as it was considered that the development was acceptable as submitted.

Report Dated: 16/12/2024

Low coal

