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:	**2024/62/92900/W**
Site Address:	Cummins Turbo Technology, St Andrew's Road, Huddersfield, HD1 6RA
Description:	Erection of single storey electrical sub-station
Recommending Officer:	Molly Storer

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: 6-Jan-2025

Officer Report

Site Description

Cummins Turbo Technologies is an engineering manufactory company hosting numerous large commercial and office buildings across several sites around St Andrews Road.

The application site is located on the North side of Turnbridge Road and to the East of St Andrews Road. The site lies within the Priority Employment Area and within Flood Zone 3a on the SFRA's flood map and within Zone 2 on the Environmental Agency's flood map.

Description of Proposal

The application seeks planning permission for the erection of single storey electrical sub-station.

The substation would measure 8.905m x 3.802m and would have a height of 2.967m with a flat roof design and will be located within the existing staff car parking area. it will be constructed from natural coursed stone walls, dark grey steel doors and a grey metal clad roof.

There will be 14 solar panels to be installed on the roof. The solar panels are to be LONGi pv modules to ensure FM and RoofNav approval when installed with Kingspan Quadcore KS1000RW and PoweRail RW.

History of negotiations/amendments received

No amended plans were sought or received during consideration of the application.

Relevant Planning History

The site is an active commercial area. There are numerous planning applications on site, within the wider Cummins compound and at neighbouring business. None are considered relevant to the current application.

Representations

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.

Final publicity date expired 25th December 2024 – no representations received

Consultation Responses

No consultations required.

Officer Note: KC Lead Local Flood Authority was not consulted following assessment of the proposed substation replacing existing hardstanding areas therefore there will be no collection of additional surface water. The roof surface water will discharge into the existing surface water drainage system on site, the existing flood defence system remaining in-situ.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 a Priority Employment Area on the Local Plan Policies Map.

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP8 – Safeguarding employment land and premises
- LP 21 – Highway and access
- LP 24 – Design
- LP 27 – Flood Risk
- 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) published 20th 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.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **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.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

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.

1.2 – Land allocation (Priority Employment Area)

The site falls within a Priority Employment Area. The proposed development is considered ancillary to an employment generating use. When considering development of employment generating uses in a PEA, LP8 states:

1. 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. In instances where the site is out of centre and the proposal includes main town centre uses then policy LP13 will need to be applied

The proposed sub-station is related and associated with the recent solar panel additions to the buildings on the Cummins Huddersfield site and will provide greater infrastructure for future additions such as solar car ports to car parking areas. Furthermore, this addition will help achieve Cummins 'Planet 2050' renewable site goal which involves approximately 3,000 solar panels were installed which equates to 200,000 tonnes of Co2 eliminated from the atmosphere which is welcomed. The proposed structure is small relative to the wider site and well separated from neighbouring businesses. Officers are satisfied that there would be no conflict with neighbouring employment uses. The proposal complies with LP8.

Chapter 6 of the NPPF establishes a general principle in favour of economic development. This is subject to not conflicting with other material planning considerations. Nonetheless Chapter 6 adds weight in favour of the proposal and the principle of development is considered acceptable. Consideration must be given to the local impact, outlined below.

<u>2 –Impact on visual amenity</u>:

The site is bounded by Cummins Turbo Technology office and engineering areas/buildings, while it would be visible from St Andrews Road this is characterised by being bounded to either side with industrial buildings so would not appear out of place.

Neighbouring buildings are faced in mixed materials, including stone, brick or metal cladding: The proposed substation will be built using materials to match the appearance of the adjoining buildings (Natural coursed stone walls, dark grey steel doors and a grey metal clad roof) and will have a colour palette to match the existing building. The solar panels will match others at the site.

The proposed structure would not appear out of place within the established built environment, would be set back within the site and would be constructed from materials which would correspond with those on the surrounding buildings. As such, the impact of the proposal on the host buildings and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

The site is located within a predominantly commercial area, surrounded by Cummins Turbo Technology's offices and engineering buildings, which are set away from the nearest residential properties to the east at a separation distance of ~300 meters. As such, the proposal would have no impact on residential amenity, complying with Policy LP24 of the KLP and Paragraph 135 (f) of the NPPF.

4 – Impact on highway safety:

The proposed new sub-station will remove 2 disabled parking spaces and 2 standard car parking bays. However, as the substation is set within a large car park and as Cummins Turbo Technologies have 2 additional car parks across there site the removal of 4no. bays will not have any significant impact on parking provision. The proposal would not increase the site's demand for parking. The proposal complies with LP21.

The proposal would not affect the arrangements at the site, nor would it require additional levels of parking to be provided. As such, the scheme would not represent any additional harm in terms of highway safety, complying with Policies LP21 and LP22 of the KLP.

5 – Other matters:

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 site is located within the bat alert layer. Due to its nature, the proposal would be unlikely to impact on bats or bat roost, a footnote shall be added to the decision notice.

Flood Risk

The site lies within Flood Zone 3a on the SFRA's flood map and within Zone 2 on the Environmental Agency's flood map.

A planning statement was submitted with the application which indicated that the commercial areas on the site are defended by existing flood defences which will remain in-situ. In addition, the new sub-station will replace existing hardstanding areas therefore there will be no collection of additional surface water. The roof surface water will discharge into the existing surface water drainage system on site. Given the limited size of the development and the fact that the proposed substation will not require any additional hardstanding the proposal is considered to comply with Policy LP27 of the KLP.

Contaminated Land

The site has been identified as being located on land which is potentially contaminated due to a former use. The scale of the proposed development not impacting on existing ground conditions means that a condition relating to the reporting of unexpected contamination is recommended to accord with Policy LP53 of the KLP. It is not necessary to require any other contaminated land reports at this stage.

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. A climate change statement has been submitted with an application.

6 – Representations:

No representations have been 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 would constitute sustainable development and is, therefore, recommended for approval.

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2024/92900

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 Policies LP1, LP2, LP8, LP22, LP24, LP30, LP27 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Policies within Chapter 15 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 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
Grouped plans and elevations	24C29-FBA-SS-XX-DR-A-2000-P01	-	10/10/2024
Climate change statement	-	-	18/10/2024
Planning statement	-	-	10/10/2024
Application form	-	-	10/10/2024

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 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.

As the submitted plans were considered acceptable, no amendments were sought.

Report Dated: 6th January 2025