

**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:	2024/62/93250/W
Site Address:	Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF
Description:	Erection of warehouse extension for storage of product containers/pallets
Recommending Officer:	Lucy Taylor

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 20 February 2025

Officer Report.

Reference: 2024/93250

Location: Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF

Proposal: Erection of warehouse extension for storage of product containers/pallets

Site Description.

The site is situated on Red Doles Lane, off Leeds Road, Huddersfield. The site lies within an area of industrial and commercial premises. The existing premises consists of a large single storey industrial unit, together with a smaller ancillary building to the west of the main building.

The site is located within a Priority Employment Area (PEA14).

Description of Proposal.

The application seeks planning permission for the erection of warehouse extension for storage of product containers/pallets.

The proposed extension is of the same footprint (approximately 474 square metres) & height (approximately 6.4 metres) as the existing ancillary building at the site.

The external walls and roof of the extension will be faced in Kingspan QuadCore KS1000RW Wall Panels, to match existing.

The doors will be steel shutter doors and rooflights will be Kingspan Day-Light Trapezoidal Rooflights 1.6 (KS1000 DLTR).

Access to the site is via the existing vehicular and pedestrian access off Red Doles Lane.

The site has generous car parking facilities and, whilst a large number of spaces will be lost to the proposed building, 53 car parking spaces will remain at the site.

The site is fully hard landscaped, with small amounts of vegetation to some of its boundaries. This will not be affected by the proposal.

History of Negotiations / Amendments Received.

In response to the formal consultation from KC Highways Development Management, the planning agent submitted a Parking Statement. KC

Highways Development Management were subsequently informally re-consulted on this information. The informal consultation response from KC Highways Development Management is set out within the below section of this report titled 'Consultation Responses'.

Relevant Planning History.

Whilst there is planning history at the application site and to neighbouring premises, none of it is considered to be directly relevant to the assessment and / or determination of this current planning application.

Representations.

The application was advertised via neighbour notification letters.

Final publicity date expired: 8th January 2025.

No representations received.

Whilst officers note that Byway HUD/56/10 runs via Red Doles Lane, in this instance, it was not considered necessary to advertise the application via a site notice or within the press as affecting this. This is because, the proposed development at Agrosmart Ltd will not impact upon the continued use or function of this Byway. A full assessment of the proposals impacts on this Byway is set out within section 5 of this report.

Consultation Responses.

The Mining Remediation Authority (formal) – concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial/mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, The Mining Remediation Authority recommend conditions.

KC Environmental Health (formal) – the site has been identified on our mapping system as potentially contaminated land due to its previous use. Contaminated land conditions are therefore necessary upon any grant of approval.

KC Lead Local Flood Authority (formal) – supports this application and has no recommended drainage conditions.

KC Highways Development Management (formal & informal) – following the submission of a Parking Statement, no objection to these proposals.

The Environment Agency - It is noted that a consultation request was sent to The Environment Agency on 3rd December 2024. This consultation request set out that 'If I do not receive your response by 24-Dec-2024 then the application may be decided without the benefit of your views'. A consultation

response was not received from The Environment Agency to date. Given the flooding information submitted as part of the application, and the consultation response from KC Lead Local Flood Authority, officers consider that matters relating to flood risk have been sufficiently addressed. A full assessment of the proposal in light of flooding is set out within section 5 of this report.

Policy / Legislation.

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 for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within a Priority Employment Area (PEA14).

The application site is located within Flood Zone 2.

The application site is located within River Colne Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

The site of the proposed development is within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Byway HUD/56/10 runs via Red Doles Lane.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP8 – Priority Employment Area
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- 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) published December 2024, together with Circulars, Parliamentary 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.

1) Principle of Development

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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”*.

Land Allocation - Priority Employment Area:

The site is located within a Priority Employment Area (PEA14), therefore, Policy LP8 (Safeguarding Employment Land and Premises) applies in this case, which 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.*

1. *Within Priority Employment Areas, proposals for redevelopment resulting in a non-employment generating use, or for the conversion or change of use of sites and premises in use or last used for employment, will only be supported where:*
 - a. *it can be demonstrated that the site or premises are no longer capable of employment use; and*
 - b. *the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.”*

Chapter 6 of the NPPF relates to ‘Building a strong, competitive economy’. Paragraph 85 sets out the following:

“Planning policies and 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

The site currently functions as Agrosmart Ltd. The submitted Design & Access Statement sets out that the proposed extension to the existing ancillary building is for the bulk storage of plastic storage containers (palleted) on the site, in order to significantly reduce the number of vehicular movements to and from the site, thus reducing the carbon footprint of the applicant’s operations.

The proposed warehouse extension would serve the existing premises of Agrosmart Ltd and is considered to be sufficiently separated from neighbouring businesses. Officers are therefore satisfied that there would be no conflict with neighbouring employment uses as a result of the proposed warehouse extension. The proposal is therefore considered to comply with Policy LP8.

Given that the proposal seeks permission for a warehouse extension for the purposes of storage, the proposal is not considered to have any interaction with Policy LP13 of the Kirklees Local Plan.

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.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12.

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...’*
- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

The proposed warehouse extension at Agrosmart Ltd is considered to be in keeping with the established commercial / industrial setting of the immediate and wider site. The exterior of the warehouse extension would be faced in Kingspan QuadCore KS1000RW Wall Panels, to match existing. A condition to secure the use of matching materials will be imposed upon any grant of approval of the application.

Therefore, it is concluded that the proposed warehouse extension would not appear out of place within the established built environment, in accordance with Policy LP24 of the Kirklees Local Plan.

As such, the impact of the proposal and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

2) 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 premises which neighbour the site are all commercial.

The proposed warehouse extension will retain a separation distance of approximately 3 metres from the closest shared boundary with neighbouring premises Booker Cash and Carry.

It is concluded that the works would have no detrimental impact with regard to residential amenity, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide also seeks to ensure acceptable levels of off-street parking are retained is also considered to be of relevance.

This application seeks approval to the erection of a warehouse extension for storage of product containers/pallets at Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield.

As part of this application, a parking statement was submitted. The submitted parking statement concluded that *'The proposed parking facilities are more than adequate for the current use and the proposals under consideration'*.

KC Highways Development Management were re-consulted on the submitted parking statement and confirmed that they have no objections.

Based on the above, the proposal is considered to appropriately accord with Policies LP21 and LP22 of the Kirklees Local Plan.

4) 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 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.

Given that this application seeks permission for a warehouse extension to the existing premises of Agrosmart Ltd in order to significantly reduce the number of vehicular movements to and from the site, thus reducing the carbon footprint of the applicant's operations, it is not considered that any further measures are required in terms of the planning application, with regards to carbon emissions.

Biodiversity / Ecology:

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.

The proposals seek permission for a warehouse extension to Agrosmart Ltd. The erection of the warehouse extension will not impact upon any existing roofing forms within the premises. As such, it is not considered that the proposals would detriment any existing roosting bats at the site if to be present.

With regards to Biodiversity Net Gain, the submitted application form sets out that the development is subject to the de minimis exemption as the development does not impact a priority habitat and impacts less than 25 square metres of on-site habitat. Given that the proposed warehouse extension is to be constructed upon an area of existing hard standing, officer's accept that this exemption is applicable in this instance.

Byway:

Byway HUD/56/10 runs via Red Doles Lane. Given the siting of the proposed warehouse extension, it is not considered that it's erection would impact upon the continued use or functionality of this Byway. As such, the proposal is considered to accord with Policy LP23 of the Kirklees Local Plan.

Contaminated Land:

The site has been identified on the Council's mapping system as potentially contaminated land due to its previous use. As such, upon any grant of approval, KC Environmental Health recommend that contaminated land conditions be included.

With the inclusion of the conditions as recommended by KC Environmental Health, the proposals are considered to be acceptable with regard to Policy LP53 of the Kirklees Local Plan.

Flooding:

As part of the assessment and determination of this planning application, a formal consultation was undertaken with KC Lead Local Flood Authority, who made the following comments:

"Kirklees Council mapping indicates that this development is within Flood Zone 2, however the LLFA accepts the mitigating proposal indicated in the Flood Risk Assessment Sheet that the proposed warehouse extension floor will be set no lower than the existing buildings floors."

The proposed extension as shown on the Site Plan appears to be sited on existing hardstanding, therefore there will be no increase in surface water run-off and the new roof drainage is shown connected to the existing drainage. Therefore, there will be no increase in flood risk.”

Overall, KC Lead Local Flood Authority supports this application. In turn, the proposals are considered to accord with Policy LP27 of the Kirklees Local Plan.

Coal Mining:

Upon formal consultation, The Mining Remediation Authority confirmed that they concur with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial/mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, The Mining Remediation Authority recommend conditions.

5) 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: 2024/93250

Recommendation: Approve

Conditions & 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.

1. 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, LP8, LP21, LP22, LP23, LP24, LP27, LP30 LP31, LP51, LP52 & LP53 of the Kirklees Local Plan and policies within Chapters 2, 4, 6, 12, 14 & 15 of the National Planning Policy Framework.

2. The external walls and roof of the warehouse extension hereby approved shall be constructed from Kingspan QuadCore® KS1000RW Wall Panels and Kingspan QuadCore® KS1000RW Roof Panels to match existing. The external construction materials approved by this condition shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the unit annotated 'proposed extension' on drawing titled 'Site Plan – Proposed' (ref: 24060D-05-P02) shall be restricted to those falling within use class B8 of schedule 2, of the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted at the site.

Reason: For the avoidance of doubt as to what is being approved, in the interests of visual and residential amenity and to accord with Policies LP8, LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 6 and 12 of the National Planning Policy Framework.

4. The use of the storage unit annotated 'proposed extension' on drawing titled 'Site Plan – Proposed' (ref: 24060D-05-P02) shall be used by Agrosmart Ltd at Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF only and shall at no time be sold, rented or served by a separate business or person.

Reason: For the avoidance of doubt as to what is being approved, in the interests of highway safety and visual and residential amenity and to accord with Policies LP8, LP24 and LP52 of the Kirklees Local Plan and Chapters 6 and 12 of the National Planning Policy Framework.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time in the development process.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time in the development process.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground conditions and remediation measures are investigated at an appropriate time in the development process.
8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that adequate remediation of the site is carried out at an appropriate time in the development process.
9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

10. 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: This is a pre-commencement condition to ensure the safe occupation of the site and that the impact of past coal mining legacy has been adequately investigated and mitigated in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

11. The finished floor level of the warehouse extension hereby approved shall be set no lower than the existing building's floors at Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF. The extensions shall not be brought into use until the finished floor levels approved by this condition have been completed. The approved finished floor levels shall be so retained for the lifetime of the development.

Reason: In the interests of flood risk and flood resilience measures, in accordance with Policy LP27 of the Kirklees Local Plan.

12. No above ground development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement condition to ensure the safe occupation of the site and that the impact of past coal mining legacy has been adequately investigated and mitigated, in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 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. 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: Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, the piling of foundations, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property .

NOTE: Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at:

www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements.

NOTE: Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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 Bank/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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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.

NOTE: Public Byway HUD/56/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. If the footpath is to be closed for any reason during the construction a Temporary Traffic Regulation Order (TTRO) would be required. This is a separate process, cost and timescales. The Council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team are based at civic Centre 1 and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
General Arrangement as Proposed	24060D-03-P03	-	14.11.2024
General Arrangement as Existing	24060D-02-P01	-	14.11.2024
Site Plan – Existing	24060D-04-P01	-	14.11.2024
Site Plan – Proposed	24060D-05-P02	-	14.11.2024
Applicant Statement by AgroSmart Ltd	-	-	14.11.2024
Design & Access Statement by ADP	24060	-	14.11.2024
Contaminated Land Phase One Desk Study by Martin Environmental Solutions LTD	2846-1	-	14.11.2024
Grounsure Location Intelligence by Enviro+Geo Insight (Appendix 1)	GS-VV3-U1X-LMO-6BQ	-	14.11.2024
Coal Mining Risk Assessment (CMRA) by Lyons CMC	CMRA 00372	-	14.11.2024
Groundsure Insights (Appendix 2B)	GS-6BE-Y4X-2N3-1WI	-	14.11.2024
Groundsure Insights (Appendix 2A)	GS-6BE-Y4X-2N3-1WI	-	14.11.2024
Flood Risk Assessment Tick Sheet	-	-	28.11.2024
Flood Risk Assessment	-	Rev0	16.01.2025
Flood Risk Assessment Data by Environment Agency	NMKN7U2HN52U	-	16.01.2025
Parking	24060	-	23.01.2025

Statement			
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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 2025 and otherwise actively engaged with the applicant in dealing with the application.

In response to the formal consultation from KC Highways Development Management, the planning agent submitted a Parking Statement.

Report Dated: 14.02.2025