

**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:	2025/62/90401/W
Site Address:	Aspin House, Station Road, Bradley, Huddersfield, HD2 1UT
Description:	Erection of single storey storage unit with associated alterations
Recommending Officer:	Nina Sayers

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 10-APR-2025

Officer Report.

Reference: 2025/91638

Location: Aspin House, Station Road, Bradley, Huddersfield, HD2 1UT

Proposal: Erection of single storey storage unit with associated alterations

Site Description.

The site relates to a plot of land which serves a number of existing commercial units and associated parking and access. This application relates to the eastern end of the site which currently serves 2 storage containers. The site and wider area are allocated as a Priority Employment Area (PEA6) within the Kirklees Local Plan.

Access is via Station Road which is partially adopted to an area of hardstanding within the site.

The site is bound by trees and a railway line to the north-west and commercial/industrial units to the east and south.

Description of Proposal.

Planning permission is sought for the erection of a single storey storage unit with associated alterations.

The proposed storage unit will have the following dimensions:

- Width – 6.3 metres
- Length – 16.1 metres
- Height – 4.8 metres

The external walls of the storage container will be constructed in red brick and black metal cladding and the roof will be constructed in black metal cladding.

History of Negotiations.

No amendments were sought or provided.

Relevant Planning History.

2024/91638 Erection of single storey storage unit with associated alterations. Refused.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 2 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice.

Final publicity date expired: 18th March 2025.

No representations received.

Consultation Responses.

KC Highways Development Management – No objection

KC Environmental Health – No objection with the inclusion of pre-commencement conditions relating to contaminated land.

Network Rail - No objection with the inclusion of informative footnotes to be included on any decision notice.

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

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

The site is located within a Priority Employment Area (PEA6) within the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP8 – Priority Employment Area
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- 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”*.

Priority Employment Area:

The site is located within a Priority Employment Area (PEA6), 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.*

2. *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 submitted supporting document sets out the current and proposed use of the site. The site currently hosts shipping containers used for storage purposes. The intended use of the site is for a single storey storage unit which will be used for storage for Turbocharger Service Limited, who are located within Aspin House.

The proposed development would facilitate the growth of an existing employment use and would be on land which is currently undeveloped, therefore not conflicting with any established employment uses. The proposed use for storage would not be considered a main town centre use so no assessment against LP13 is necessary in this instance. The scheme therefore complies with LP8 of the Kirklees Local Plan and paragraph 85 of the NPPF.

It is noted that a similar scheme was recently refused at this site (2024/91638). The previous scheme proposed private storage use, which didn’t align with employment use of the site and the requirements of LP8. The applicant has addressed this in their supporting document:

“The previously submitted application (Reference: 2024/91638) would have allowed for the relocation of the previous applicant into the previously submitted building, which would have allowed Turbocharger Service to expand their storage capacity for stock. Given the refusal of this application, Turbocharger Services are proposing to build a purpose-built storage building to allow continued growth.”

The principle of development is therefore considered acceptable in this instance. However, in the event that planning permission be approved, it is recommended a condition be attached that the proposed storage is tied to the existing commercial use so it does not conflict with the purposes of LP8 of the Kirklees Local Plan or Chapter 6 of the NPPF.

A more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

1) 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 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."*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'

'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

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

Whilst the proposed storage unit would be of a relatively large size/scale, it is considered that the proposed built form would not be out of keeping with the commercial setting of the immediate and wider site. It is also noted that the application site is set down significantly from the existing buildings on the site, reducing the prominence of the building when viewed from the existing buildings.

The materials proposed for the storage unit would appropriately harmonise with the building materials of the surrounding commercial buildings. However,

in the event that planning permission be approved, it is recommended that this be secured via an appropriately worded condition.

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 proposed storage unit would be located within a commercial area, and no residential properties are located within the immediate vicinity of the site.

Therefore, it is considered that the proposal would have no detrimental impact with regard to residential amenity, comply 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.

The storage unit would be constructed for Turbocharger Service Limited. The site would incorporate two off-street parking spaces, alongside ample parking spaces located at the site at Aspin House. Internal vehicle turning is also shown to be provided.

KC Highways Development Management (HDM) were consulted on the proposal and given the proposals provide two off-street parking spaces and internal vehicle turning. they have no objection to these proposals.

Under the previous application (2024/91638), discussions were had between the applicant and KC Highways regarding the parking and turning provision. The revised plans, supported by KC Highways, have been submitted as part of the current application.

It is considered that the proposal would not cause harm to the safety or efficiency of the highway and would 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 the nature and scale of development, it is not considered that any specific 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. However, given that the site proposes the erection of a storage unit upon an existing area of hardstanding, with no demolition works, the site has little ecological potential for bat roosts and it is considered unlikely that the development would cause harm to bats.

As a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

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 12 February 2024 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.

The submitted application form sets out that the development is exempt under the de minimis exemption, developments below the threshold. This is a result of the size of the site and the existing hard surfacing of the site. Officers have no reason to disagree with this assessment.

Therefore, subject to inclusion of the recommended informative note, the proposal is considered to be acceptable in this regard and would comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The proposal does not involve the removal of any trees / hedgerows and therefore, the application is considered to have an acceptable impact in regards to the Strategic Infrastructure Network.

Hazardous Materials Site:

The site is located within the outer zone of a hazardous material site. Therefore, as part of the assessment of the previous application on this site (2024/91638), a formal consultation was undertaken with the Health and Safety Executive (HSE). HSE concluded that they had no comments to make on the previous application. Given this proposal is for the same building, albeit with a different use, it was not considered necessary to re-consult with HSE in this instance as their comments on the previous scheme (provided 21st June 2024) are still considered relevant.

Contaminated Land:

The proposed site is located on land identified as potentially contaminated (site ref: 132/4), Sewage works. It is also situated close to historic landfill (site ref: 133/4), tipping of industrial waste, circa 65m south and the adjacent substation. In order to ensure the site is safe and suitable for its intended use, KC Environmental Health recommend full contaminated land conditions upon any grant of approval. This is considered a necessary pre-commencement condition to ensure the safe development and operation of the site. The

scheme is therefore considered to comply with paragraphs 196 and 197 of the NPPF and LP53 of the Kirklees Local Plan.

Network Rail

It is noted that the application site is in close proximity to the railway and the proposed access requires the use of an overline railway bridge (MVL3/105). Network Rail were consulted on the proposal and raised concerns regarding the impact of the construction of the development on the adjacent railway network and railway bridge. To ensure no harm is caused to the rail network as a result of the proposal, in line with Chapter 8 of the NPPF, which requires development to be conducted safely, the applicant would be required to submit a construction management plan prior to commencing development on the site.

Flood Risk

The site is located within Flood Zone 1 so no additional measures are required in terms of flood risk.

5) Conclusion

This application for the erection of a single storey storage unit with associated alterations at Aspin House, Station Road in Bradley has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would comply with the relevant material planning considerations and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90401

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, LP8, LP21, LP22, LP24, LP30, LP31 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The storage unit hereby approved shall be used solely for purposes ancillary to the commercial business(es) located at Aspin House, Station Road, Bradley, Huddersfield, HD2 1UT and shall at no time be sold, rented, or severed to be used as a separate storage unit without the prior written consent of the Local Planning Authority.

Reason: To safeguard the employment land in accordance with Policies LP8 of the Kirklees Local Plan as well as the aims of Chapter 6 of the National Planning Policy Framework.

4. The exterior of the building hereby approved shall be finished in Red Brick and Black Metal Cladding and shall be thereafter retained.

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

5. No groundworks shall 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 any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) groundworks, demolition or further construction works (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 any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) 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.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). 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.

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.

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. Prior to development commencing on this site, a Construction Management Plan shall be submitted, and approved in writing by the Local Planning Authority. This shall include details of:

- earthworks and excavations
- any use of crane, plant and machinery
- drainage
- boundary treatments
- any scaffolding required within 10 metres of the railway boundary fence
- Frequency of deliveries throughout the construction period
- a strategy to protect the overline railway bridge (MVL3/105) from any potential damage caused by abnormal loads

The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure no harm is caused the railway and/or the associated assets as a result of the approved development in accordance with Chapter 8 of the National Planning Policy Framework.

NOTE: The applicant is advised to discuss the proposal, including details of construction methodology with Network Rail's Asset Protection team (assetprotectioneastern@networkrail.co.uk) before beginning any development on the site.

NOTE: Network Rail advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

NOTE: 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: Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(EX)002		13/02/2025
Block Plan	(20)002		13/02/2025
Proposed Plans and Elevations	(20)001		13/02/2025
Vehicle Turning Block Plan	(20)002		13/02/2025
Supporting Document			13/02/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were considered necessary in this instance.

Report Dated:

08.04.2025
