
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2023

Subject: Planning Application 2022/93342 Demolition of existing building and erection of engineering building with associated external works David Brown Santasalo UK Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD

**APPLICANT
DAVID BROWN
SANTASALO**

**DATE VALID
24-OCT-2022**

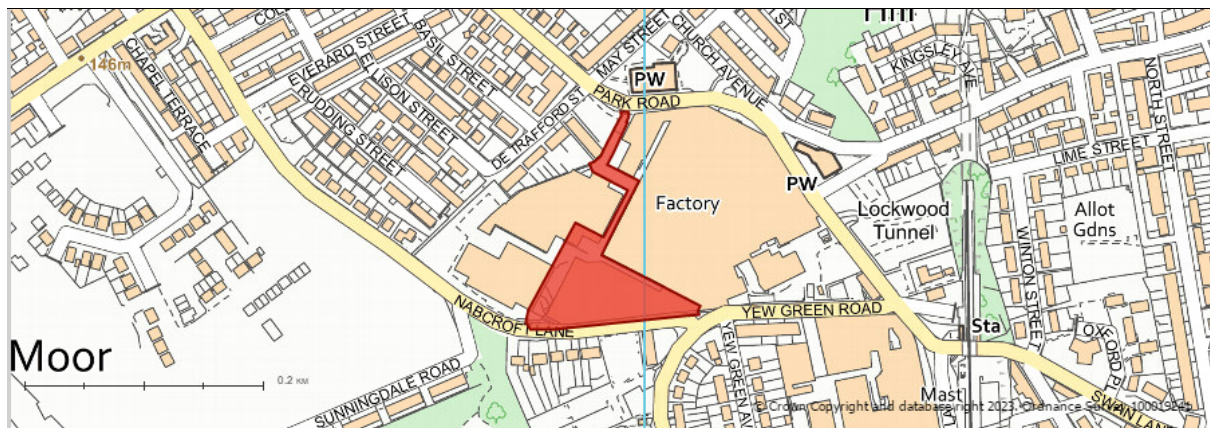
**TARGET DATE
23-JAN-2023**

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Crosland Moor and Netherton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions, including those contained within this report.

1.0 INTRODUCTION

1.1 The application has been brought before the Strategic Planning Committee due to it being a non-residential development on a site over 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS

2.1 The application site lies within the existing David Brown Santasalo specialist industrial complex in Lockwood, c. 75m west of the train station. The red line boundary area itself lies to the south of the complex and forms a border with Nabcroft Ln. Opposite lies an area of existing and relatively new small-scale residential development. The site is served by an existing private car park off Park Rd to the east of the main site, with the main vehicular and pedestrian access to the site taken from Park Rd to the north of the complex. Secure cycle parking is also available via Gate 1 at the north of the site. The topography of the site slopes significantly from west to east along the southern boundary.

2.2 The site has undergone a programme of redevelopment in the past few years to accommodate the undertaking of new long-term specialist industrial contracts, which is also the rationale behind this application.

2.3 The application site red line boundary measures approximately 0.75 hectares, which sits in a wider c. 4.6 ha blue line boundary area.

3.0 THE PROPOSAL

3.1 The applicant is seeking full planning permission for the '*demolition of an existing building and the erection of an engineering building, with associated external works*'. Both the existing and proposed building are considered to be Use Class B2 (General Industrial).

3.2 The existing industrial building – predominantly built of red brick with a repeating multi-gable (M-type) roof – which forms the southern boundary of the industrial complex with Nabcroft Ln – would be demolished in its entirety. The building includes date stones for 1917, 1919, and 1940, although it is not considered to be of historic significance. The building's current dimensions as seen from the south (Nabcroft Ln) are c. 112.5m in length and between c.

10.5 to c. 12.5m in height at its tallest points. The building somewhat follows the prevailing topography along Nabcroft Ln. Seen from the west, the building measures c. 62.5m in depth and c. 15.5m in height. From the east the building measures c. 39m in depth with a maximum height of c. 18.3m. It has an existing gross internal floorspace of c. 3000 sqm.

- 3.3 This application is proposing to replace the existing building with a modern, portal-framed industrial building capable of undertaking the work required by the company's new contract, which includes the on-site construction and testing of gears in association with the recently developed Marine Assembly buildings. The proposal would be constructed in two phases to allow for construction of the western testing facility area to be built and operational before the Marine Assembly (the eastern area) is constructed.
- 3.4 The applicant submitted amended plans on 01/02/2023 detailing a revised red line boundary due to matters of land ownership along the site's southern boundary. Officers consider that the amendments to the red line boundary constitute a material reduction in the scale of the site and, as such, further consultation on the amended proposal was deemed not to be required.

Supporting Information

- 3.5 In addition to the submitted plans, the following documents have been submitted in support of this application:
- Application Form
 - Bat Survey Report
 - Phase I Ground Investigation Report
 - Noise Impact Assessment
 - Drainage Strategy

Environmental Impact Assessment

- 3.6 The proposal falls under Schedule 2 Part 4 (f) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as a development for the production and processing of metals; manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines, with the area of new floorspace exceeding 1,000 square metres. The proposed development would have a floorspace of c. 3,439 square metres.
- 3.7 The Council published its EIA Screening Opinion on 23/12/2022 which concluded that an Environmental Statement is not required for this proposal.

4.0 RELEVANT PLANNING HISTORY

Application: 20201/91994

Description: Siting of a temporary single storey Portakabin building

Decision: Approved 14/07/2021

Application: 2020/91894

Description: Demolition of existing building and erection of engineering building with associated external works

Decision: Approved 23/11/2020

Application: 2016/90055

Description: Erection of engineering building, demolition of existing building and associated external works (modified proposals)

Decision: Approved 06/04/2016

Application: 2015/92159

Description: Erection of general industrial building (Class B2) and associated external works

Decision: Approved 08/10/2015

Application: 2014/93156

Description: Erection of engineering building, demolition of existing building and associated external works

Decision: Approved 05/12/2014

Application: 2014/92973

Description: Demolition of existing office building and formation of extension to existing engineering facility, new transformer and associated external works

Decision: Approved 17/12/2014

Application: 2014/92083

Description: Erection of engineering building, demolition of existing building and associated external works

Decision: Approved 26/09/2014

Application: 2014/90822

Description: Erection of new boundary treatment around the perimeter of the site comprising 2.4m high security fence with 450mm flat wrap razor wire above and vehicle barriers and erection 5 no. 6m poles with CCTV cameras

Decision: Approved 11/03/2014

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers negotiated with the applicant to:

- Amend plans to detail site security
- Consider the use of soft landscaping boundary treatments
- Justify height of the proposed building and potential effects of overbearing on nearby residential dwellings
- Submit a surface water drainage strategy prior to determination
- Submit a Noise Impact Assessment with consideration of noise impacts on neighbouring occupiers
- Amend proposed building location and the site's southern red line boundary c. 1m north due to land ownership considerations

6.0 PLANNING LEGISLATION AND POLICY

6.1 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 Kirklees Local Plan. The Kirklees Local Plan was adopted on 27 February 2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map.

6.2 The following legislation, policies, and guidance are considered relevant to the determination of this application:

Kirklees Local Plan (February 2019)

The site is unallocated in the Kirklees Local Plan.

- Policy LP1 – Presumption in favour of sustainable development
- Policy LP2 – Place Shaping
- Policy LP3 – Location of new development
- Policy LP7 – Efficient and effective use of land and buildings
- Policy LP9 – Supporting skilled and flexible communities and workforce
- Policy LP20 – Sustainable travel
- Policy LP21 – Highways and access
- Policy LP22 – Parking
- Policy LP24 – Design
- Policy LP27 – Flood risk
- Policy LP28 – Drainage
- Policy LP30 – Biodiversity & Geodiversity
- Policy LP32 – Landscape
- Policy LP51 – Protection and improvement of local air quality
- Policy LP52 – Protection and improvements of environmental quality
- Policy LP53 – Contaminated and unstable land

Supplementary Planning Documents

- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance

National Policies and Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 2012 and updated most latterly in July 2021, 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 planning applications.

National Planning Policy Framework (NPPF) (July 2019)

- 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 11 – Making effective use of land
- 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

Climate Change

- 6.4 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.5 On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 REPRESENTATIONS (PUBLIC)

- 7.1 This application has been advertised as a major development.
- 7.2 Publication of the application has been undertaken in accordance with the Council’s Development Management Charter (July 2015) and in line with the Council’s adopted Statement of Community Involvement (December 2019).
- 7.3 The statutory public consultation period took place between 18/11/2022 to 09/12/2022.
- 7.4 During the public consultation, a total of 2 representations were made. Both of these were made in objection.
- 7.5 The key points raised in OBJECTION are as follows:
- Concerns over impacts on roosting bats and other wildlife
 - Residential properties already impacted by increased noise pollution from previous planning permissions
 - Previous light and noise pollution complaints upheld at the site

7.6 Local Members:

Cllr Manisha Roma Kaushik (Crosland Moor and Netherton) – No comments received.

Cllr Jo Lawson (Crosland Moor and Netherton) – No comments received.

Cllr Mohammad Sarwar (Crosland Moor and Netherton) – No comments received.

8.0 CONSULTATION RESPONSES

8.1 Invitations to comment on this application were sent to the following consultees:

Kirklees Council:

KC Building Control – No comments received.

KC Business Economy & Regeneration – No comments received.

KC Crime Prevention – No objections subject to conditions.

KC Ecology – No objections subject to conditions.

KC Environmental Health – No objections subject to conditions.

KC Highways Development Management – No objections.

KC Highways Structures – No objections subject to conditions.

KC Landscape – Advice received.

KC Lead Local Flood Authority – Supports the proposal subject to conditions.

KC Minerals – No comments received.

KC Public Rights of Way – No comments received.

KC Waste Strategy – Advice received.

External Consultees:

Yorkshire Water – Advice received and conditions recommended.

9.0 MAIN ISSUES

9.1 Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are considered to be:

- Principle of Development
- Design
- Landscape Character
- Amenity
- Highways Safety
- Flood Risk & Drainage
- Biodiversity & Ecology
- Other Material Considerations

10.0 OFFICER ASSESSMENT

Principle of Development

Spatial Strategy

- 10.1 Policy LP1 sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as laid out in NPPF (Chapter 2), particularly Paragraph 11(c). 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.
- 10.2 Policy LP2 requires that proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places. The policy's supporting text identifies the Huddersfield sub-area as having a strong and innovative manufacturing sector, but that the area has poor air quality in some areas and pockets of high unemployment and deprivation.
- 10.3 Policy LP3 concerns the location of new development. In considering the abovementioned requirements of Policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs.
- 10.4 Paragraph 7.12 of the Local Plan states that the Council's overarching objectives for the economy places significant emphasis on the need to support the growth aspirations of the districts indigenous businesses, as well as securing the inward investment opportunities, particularly in relation to the district's key manufacturing assets with focus being placed on the precision engineering and advanced manufacturing sectors.

- 10.5 NPPF (Chapter 6) Paragraph 81 states that *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.
- 10.6 As the proposal is for the partial re-development of an existing industrial site within the Huddersfield sub-area, which specialises in precision engineering and undertakes nationally important defence and other innovative sector related contracts, and provides skilled local employment, Officers consider that the principle of development is acceptable and the proposal is, therefore, in accordance with Policies LP1, LP2, and LP3 of the adopted Kirklees Local Plan and NPPF (Chapter 6), particularly Paragraph 81.

Design

- 10.7 Policy LP24 states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.
- 10.8 NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 130 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.

Phasing of Development

- 10.9 The applicant has submitted information regarding the phasing of the proposal. Phase 1 would comprise of the western part of the building (testing area and ancillary offices and plant rooms) and Phase 2 would comprise of the eastern part of the building (Marine Assemble Unit). Phase 1 would be completed and operational before the construction of Phase 2. This would be done to allow the applicant to begin contractual operations whilst the remainder of the proposal is developed.
- 10.10 Officers note the contractual and operational requirements of the applicant in the proposed phasing of the development. It is further noted that phasing the construction of the development would likely prolong the potential amenity, and other, impacts of construction. As such, Officers consider it appropriate secure the relevant conditions on a phase-by-phase basis to mitigate the potential impacts on neighbouring occupiers and the wider environment.
- 10.11 Given the nature of the proposal and the operational rationale behind it, Officers consider it highly unlikely that Phase 2 would not be developed.

Layout

- 10.12 The proposal would be formed of 2 slightly off-set, roughly rectangular buildings (phases) on the site of an existing, roughly triangular industrial building. It would be set c. 1m back from the southern site boundary and retain on-site vehicle access from site entrance Gate 3 (off Nabcroft Ln) to the centre of the site. An existing sub-station at the east of the site would be retained.
- 10.13 Due to the site's topography, the proposal would include a lower ground floor raw materials store, reception, office, and toilets to the east of the site. The ground floor would accommodate the main testing area, assembly area, and a large stores (these would take up their respective spaces across the ground, first, and second floors). The ground floor would also house a laser/paint booth, offices, conveniences, and a plant room. The first floor would accommodate more office space, welfare facilities, and secure control rooms. The second floor would house managerial offices and meeting rooms, welfare facilities, and two open roof plant decks at the west and north east of the building.
- 10.14 Officers consider the layout of the building, both within the site and internally, to be acceptable.

Form, Scale & Massing

- 10.15 The proposed industrial building would be formed of two conjoined buildings: the Phase 1 testing area and ancillary offices and plant rooms, and Phase 2 Marine Assembly Unit. The exterior dimensions of the proposal at its extremities would be c. 84m in length by c. 44m in depth. The height of the proposal would range between c. 10m (western gable) above floor level to c. 17m (eastern gable) above floor level. The two phases of the building would differ in height by c. 1.5m to offer a break in overall massing of the proposal.
- 10.16 The applicant has noted that the height of the proposed building has been dictated by the requirement for a 100T + 20T double hook gantry crane operating at 11m above floor level which would run length of the building. A second 50T crane would be located in the Phase 2 store area at the north of the site.
- 10.17 The building would be largely unglazed, except for the proposed office areas to the west and north east. Vehicle access doors would be located on the eastern elevation of the Marine Assembly Unit and centrally on the northern elevation. Emergency exits would be located throughout the proposal.
- 10.18 Officers note the industrial form of the proposal, its large scale (particularly the large, unbroken roofline from west to east), and marginally off-set massing between Phase 1 and Phase 2. In doing so, Officers further note the applicant's justifications of their operational requirements on the overall design of the proposal. Overall, Officers consider that the proposal would sit in the context of similar recent developments on this site and would be of an appropriate size based on the applicant's operational needs. Notwithstanding this, it is recognised that the proposal would form a large wall of development, particularly when viewed from Nabcroft Ln to the south. The amenity impacts of this will be further assessed in Paragraphs 10.29 to 10.36 of this report. However, in terms of form, scale and massing, Officers consider the proposal to be broadly acceptable.

Materials

- 10.19 The proposed building would be predominantly clad in in Goose Wing Grey panels with a Merlin Grey roof. This would be similar to recent developments within the site. The submitted Proposed Elevations Plan also shows areas around the main building entrance and office areas of Phase 1 to be clad in black and red, with large areas of glazing. The exact details of these materials have not been provided at this stage.
- 10.20 Officers consider the proposed materials to be appropriate for this type of development in this area. The bolder elements of cladding would face inwards into the site and would not be readily seen from the street. The exact details of all external materials shall be secured by conditions to ensure they are acceptable to the Local Planning Authority.

Sustainable Construction

- 10.21 Following revisions made to the proposal on 01/02/2023, the applicant is proposing the use of solar photovoltaic (PV) panels across the roofscape of the building. This would equate to the provision of c. 755 solar PV panels across Phases 1 and 2. No further information has been submitted regarding the proposed solar PV panels.
- 10.22 Officers do not raise objections to the provision of solar PV panels per se but note that further assessment into the potential impacts of c. 755 panels from glint and glare on residential amenity of neighbouring occupiers would need to be further assessed, particularly given the prevailing topography of the area. Any effects would likely be most prevalent on those dwellings at the west of Nabcroft Ln, Sunningdale Rd, and the new residential development on the old St Luke's Hospital site. As such, conditions shall be secured for a Glint and Glare Assessment (including any required mitigation measures) to be undertaken prior to the installation of the solar PV array on the proposal.

On-Site Landscaping

- 10.23 The applicant has not submitted any details in relation to proposed soft landscaping at the site. Officers note the industrial nature of the site and the hard boundary with Nabcroft Ln which would not easily facilitate the planting of soft landscaping measures.
- 10.24 KC Landscaping note that the introduction of soft landscaping (e.g., hedgerow or trees) at the site's southern boundary could enhance the visual amenity of the proposal. However, given the requirements of KC Crime Prevention in securing the site with additional security fencing (in accordance with NPPF (Chapter 8) Paragraphs 92 and 97), Officers consider that the introduction of a soft landscaped boundary would not be feasible in this instance.
- 10.25 As there is no loss of soft landscaping from the site, Officers do not consider the lack of a soft landscaping plan to weigh against the proposal in the planning balance.
- 10.26 Overall, Officers consider that the proposal is in accordance with Policy LP24 of the adopted Kirklees Local Plan and NPPF (Chapter 12).

Landscape Character

- 10.27 Policy LP32 requires that proposals should be designed to take into account and seek to enhance the landscape character of the area, with particular consideration of the setting of settlements and buildings within the landscape, as well as other environmental features in the vicinity.
- 10.28 The proposal would be located in an already well-established industrial site on a similar footprint to the existing industrial building. It would introduce a more modern industrial design, in-keeping with recent similar developments on the site. In this context, Officers consider that the proposal would not be of detriment to surrounding landscape character. The proposal is, therefore, considered to be in accordance with Policy LP32 of the adopted Kirklees Local Plan.

Amenity

Residential Amenity

- 10.29 Policy LP24(b) requires that proposals should provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.
- 10.30 The proposed industrial building would be located c. 12m north of the closest residential dwellings on the southern side of Nabcroft Ln. Officers further note the historic presence of the existing industrial development on the southern boundary of the site.
- 10.31 As the proposal is located to the north of the nearby residential dwellings, Officers do not expect detrimental impacts on neighbouring occupiers' residential amenity in terms of overshadowing. Similarly, as no windows are proposed on the proposal's southern elevation, detrimental impacts in relation to overlooking are also not expected.
- 10.32 Given the historic presence of industrial buildings on the site's southern boundary, any potential issues relating to a loss of outlook caused by the proposal for a replacement industrial building are considered not to be significant, as the outlook from the existing residential dwellings would remain largely unchanged given the proposal is for the same use as is currently experienced.
- 10.33 As detailed in Paragraph 10.18 of this report, the proposal would form a larger wall of development along the site's southern boundary from what is currently there. As a result, detrimental impacts on neighbouring occupiers' residential amenity in terms of overbearing must be considered.
- 10.34 Officers consider that the dwellings to the west of Nabcroft Ln (towards the top of the hill) would face a similar scale of industrial development as they currently do under the proposal, given the site's topography. The dwellings at the corner of Nabcroft Ln and Moor End Rd towards the east of the site would face the proposal gable end on, with no habitable windows overlooking the site. Given this, Officers do not consider that the proposal would lead to a detrimental effect in terms of overbearing at these dwellings.

- 10.35 Officers do note, however, that the 2 relatively new residential dwellings on Nabcroft Ln are located opposite where the existing industrial building steps down, following the site's topography. The applicant has confirmed that the proposal would be off-set c. 1m north of the southern boundary, providing some additional space between the proposed industrial unit and existing dwellings. Notwithstanding this, the increased height of the proposal at this point would not be insignificant. However, Officers consider that given the industrial context of the site and the increased distance to these two residential dwellings, that detrimental impacts on the neighbouring occupiers' residential amenity in terms of overbearing would likely be limited and not be significant.
- 10.36 Given the above, Officers consider that the proposal is in accordance with Policy LP24(b) of the adopted Kirklees Local Plan.

Noise

- 10.37 Policy LP52 requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.38 The applicant has submitted a Noise Impact Assessment in support of this application. This details that the predications made to assess the proposal against similar developments/uses on the site (as exact details of proposed operations would be classed as sensitive information) show that potential noise impacts on neighbouring residential dwellings would generally be at or below the typical background noise level, except for overnight use of the assembly area which could exceed background noise levels. The report further notes that any exceedance in this regard would be relatively low (3dB exceedance) and unlikely to be unacceptable. The report further details the recommended acoustic specifications for the construction of the proposal to reduce noise levels heard outside of the building.
- 10.39 However, the report does not consider the use of externally mounted plant and machinery (as proposed at the west and north of the building). Officers note that this information was requested as part of a noise assessment as the likely source of noise-generating infrastructure which could have the greatest detrimental impact on neighbouring occupiers. No information in relation to externally mounted plant has been provided at this time.
- 10.40 KC Environmental Health have reviewed the submitted information and note the findings of the report. However, based on those findings, Officers consider that mitigation would be required, particularly in relation to likely perceptible noise at night-time. A full assessment of the potential noise impacts of the proposal from external roof-mounted plant would also be required. KC Environmental Health recommend securing a pre-commencement condition for a full Noise Impact Assessment and implementation of any required mitigation measures.

- 10.41 Officers note the consultee position and recommendation for a further Noise Impact Assessment to be undertaken, taking into consideration the roof-mounted plant. Given the submitted baseline noise assessment and now known requirements for mitigation, Officers shall secure the necessary pre-commencement conditions for a full suite of assessment. In doing so, Officers also note the public representations received in relation to noise impacts on neighbouring occupiers and consider that a robust assessment and provision of suitable mitigation measures as required is of the utmost importance.

External Lighting

- 10.42 No information relating to the use of external lighting on or around the proposed building has been submitted at this stage. KC Environmental Health note that due to the proximity of the proposal to existing residential dwellings, it would be prudent to secure conditions for an external lighting and advertisement strategy. Officers agree with this approach and shall secure the necessary conditions.
- 10.43 Given the above considerations of noise and external lighting impacts, Officers consider that the proposal is in accordance with Policy LP52 of the adopted Kirklees Local Plan.

Air Quality

- 10.44 Policy LP51 requires that proposals should demonstrate that they are not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Furthermore, proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.
- 10.45 The applicant has not submitted any substantive information regarding the potential impacts of the proposal on air quality, other than that there would be no increase in the number of employee vehicles accessing the site in association with the proposed industrial building.
- 10.46 KC Environmental Health note that there is a lack of information regarding the specific on-site operations of the proposal, other than for general equipment testing and assembly. As no specific information is given, adverse impacts on air quality in the vicinity of the site cannot be ruled out from potential on-site operations, with the proposal likely classified as having a *medium* impact on air quality under the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance.
- 10.47 Officers note that the specific operations of the proposal are largely classified as they concern new naval contracts relating to national security. However, it is considered that a proper assessment of potential air quality impacts of the proposal is required in order for impacts to be satisfactorily mitigated. It is also considered highly likely that this can be undertaken without impacting on the confidential nature of the company's upcoming contract. In light of this, a pre-commencement condition to secure an Air Quality Impact Assessment shall

be secured. Given the recent development of similar buildings on this site, it is considered likely that this can be assessed as a pre-commencement condition without detriment to the proposal or having other significantly detrimental impacts on the wider area.

- 10.48 Given this, the proposal is considered to be in accordance with Policy LP51 of the adopted Kirklees Local Plan.

Refuse & Waste

- 10.49 Policy LP24(d)(vi) requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.
- 10.50 The applicant has confirmed that the existing facilities for on-site storage and collection of refuse and waste would remain unchanged as a result of this application. KC Waste Strategy and KC Highways have reviewed the application and raise no objections in this regard. As such, the proposal is considered to be in accordance with Policy LP24(d)(vi) of the adopted Kirklees Local Plan.

Highways Safety

Location Sustainability

- 10.51 Policy LP20 requires that proposals are located in accordance with the Council's spatial strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. Furthermore, proposals should be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity.
- 10.52 The proposal would not change the staffing levels at the site and would therefore not likely exacerbate reliance on private vehicles to access the site. Notwithstanding this, the site is located within reasonable walking distances of residential areas, Lockwood train station, and a number of bus stops operating several routes to Huddersfield and the surrounding area.
- 10.53 Given the above, Officers consider that the proposal is in accordance with Policy LP20 of the adopted Kirklees Local Plan.

Impacts on Highways Safety

- 10.54 Policy LP21 requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Furthermore, proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

- 10.55 NPPF (Chapter 9) Paragraph 111 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. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.
- 10.56 The proposal would not amend the existing site access arrangements at the north (Gate 1) and south (Gate 3) of the site. The proposal is also not expected to introduce a significantly higher frequency of on-site vehicle movements resulting from deliveries than is already experienced on-site.
- 10.57 KC Highways Development Management have reviewed the application and raise no objections in highways safety terms. KC Highways Structures have requested a pre-commencement condition for the details of any retaining structures required at Nabcroft Ln to ensure their structural integrity and the safety of the site and highway. Officers note this position and shall secure the relevant pre-commencement conditions. As such, Officers consider that the proposal is in accordance with Policy LP21 of the adopted Kirklees Local Plan and NPPF (Chapter 9).

Car & Cycle Parking

- 10.58 Policy LP22 requires that proposals provide full details of the design and levels of proposed parking provision following the principles set out in the policy wording. In doing so, they should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.
- 10.59 The Highway Design Guide SPD does not set local parking standards but notes that it should be used as an initial point of reference in designing new schemes. In relation to non-residential proposals, the SPD recommends early engagement with the Local Highway Authority to determine the required quantum of provision of car parking spaces should be undertaken.
- 10.60 The proposal does not change the existing number of employees using the site. As such, no provision of additional car or cycle parking spaces has been put forward for consideration. KC Highways note this unchanged quantum of car and cycle parking and raise no objections due to the lack of need arising from the proposal. Officers similarly note this justification and consider it to be acceptable. As such, the proposal is considered to be in accordance with Policy LP22 of the adopted Kirklees Local Plan.

Flood Risk & Drainage

Flooding Risk

- 10.61 Policy LP27 requires that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. The national policy requirements are set out in NPPF (Chapter 14). This details the sequential approach to development and flood risk to steer new development to areas with the lowest risk of flooding from any source.

- 10.62 The proposal lies in Flood Zone 1 with a site area of less than 1 ha. As such, the submission of a Flood Risk Assessment was not required in this instance. Further Government flood risk mapping shows that the site is at very low risk from fluvial and surface water flooding.
- 10.63 Given the above, the proposal is considered to be in accordance with Policy LP27 of the adopted Kirklees Local Plan.

Surface & Foul Water Drainage

- 10.64 Policy LP28 contains a presumption for the use of sustainable drainage systems (SuDS). In addition to this presumption, the policy also states that 'development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development'.
- 10.65 NPPF (Chapter 14) Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 10.66 The applicant has submitted revised foul and surface water drainage strategies for Phase 1, and combined Phases 1 and 2 of the proposal, following initial consultee comments. The Phase 1 drainage strategy shows the removal of an existing attenuation tank serving Marine Assembly 1 (to the west of the site) and diversion of its surface water flows into a new crate storage system underneath what would be Phase 2 at the east of the site, which would be designed to accommodate a 1 in 100 year + 30% climate change storm event. Surface water would be discharged into the public sewer. No proposed discharge rates have been provided at this time.
- 10.67 The combined Phases 1 and 2 drainage strategy would retain most of the infrastructure changes under the Phase 1 proposal, but re-locate a larger crate storage system further east, outside of the foundations area of the proposal.
- 10.68 Foul water connections would be made to existing on-site infrastructure to be discharge into the existing sewer network at Nabcroft Ln.
- 10.69 KC Lead Local Flood Authority have reviewed the submitted information and, following amendments, support the proposal subject to securing a condition for a scheme detailing the design and ongoing maintenance and management of designed attenuation structures and flow control devices within the proposed drainage train.
- 10.70 Yorkshire Water have also reviewed the submitted information and recommend conditions outlining that the sustainable drainage (SuDS) hierarchy has been satisfactorily followed, as drainage into the existing sewerage network is proposed, and to maintain separate foul and surface water drainage systems to the point of discharge into the combined sewer.
- 10.71 Officers note these recommended conditions and shall secure them. As such, it is considered that the proposal is in accordance with Policy LP28 of the adopted Kirklees Local Plan and NPPF Chapter 14.

Biodiversity & Ecology

Biodiversity Net Gain

- 10.72 Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.
- 10.73 The Council's adopted Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that *'at this time, in the absence of legislation, a minimum of 10% net gain in biodiversity is required'*.
- 10.74 NPPF (Chapter 15) Paragraph 174(d) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.
- 10.75 The applicant has not submitted a completed DEFRA Biodiversity Metric 3.1 to support this application, detailing the current and proposed levels of on-site biodiversity resulting from the proposal. However, given the site is currently (and has been historically) used as an active industrial site, Officers consider it unlikely to be of high biodiversity value.
- 10.76 In light of this, KC Ecology recommend the imposition of a condition to enhance on-site biodiversity through protected species' mitigation, as detailed in Paragraph 10.80 of this report. Officers consider that this would likely result in a biodiversity net gain over the site's expected existing very low biodiversity value and shall secure the relevant condition. As such, the proposal is considered to be in accordance with Policy LP30 of the adopted Kirklees Local Plan and NPPF (Chapter 15), particularly Paragraph 174(d).

Protected Species

- 10.77 Policy LP30 requires that proposals must protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.
- 10.78 The proposal lies within a Bat Alert Area. The applicant has submitted a Bat Roost Survey Report in support of this application. This details that during surveys undertaken at the site in August 2022, no evidence of bat roosting was found, although there are several features at the site which could support bat roost activity. As a result, the report recommends the immediate cessation of demolition and/or construction activity at the site in the unlikely event of a bat being found, and a mitigation licence sought from Natural England before continuing.
- 10.79 KC Ecology have reviewed the submitted information and raise no objections to its methodology or findings. A condition is requested to secure the report's recommendations with regards to the cessation of activity if bats are found on-site.

- 10.80 The site also lies within a Swift (*Apus apus*) Nesting Record (2013) area. Although this is centred around the now re-developed St Luke's Hospital to the east of the site, KC Ecology recommend a condition for the provision of a Swift nesting box within the proposal. Officers concur with this approach and shall secure the necessary conditions in relation to bats and Swifts.
- 10.81 Given the above, the proposal is considered to be in accordance with Policy LP30 of the adopted Kirklees Local Plan in relation to protected species.

Other Material Considerations

Contaminated Land

- 10.82 Policy LP53 requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted.
- 10.83 NPPF (Chapter 15) Paragraph 183 requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.
- 10.84 The applicant has submitted a Phase 1 Ground Investigation Report in support of this application. This details that the risk of on-site contamination is considered to be high owing the historic industrial use of the site. The report recommends further intrusive geotechnical investigation to ascertain the underlying properties of the site, as well as further chemical and soil testing and analysis to determine the extent and nature of any on-site contamination.
- 10.85 KC Environmental Health have reviewed the submitted information and consider that it is lacking in thoroughness and investigative rigour, particularly relating to the assessment of risks including the site's proximity to historic landfill sites (within c. 50m) and the potential for the presence of associated ground gas. As a result of this, KC Environmental Health do not agree with the risk assessment undertaken, nor the recommendation for further intrusive ground investigation until such time that a satisfactory Phase 1 report has been submitted to and agreed by the Local Planning Authority. Given this, a full suite of Phase 1 risk assessment, Phase 2 intrusive testing, remediation and implementation, and verification of contaminated land is recommended to be secured by pre-commencement conditions.
- 10.86 Officers note this advice and agree that a more thorough approach to assessing the potential risks of contaminated land and, potentially, subsequent intrusive investigation is required. As such, the necessary pre-commencement conditions and technical advice shall be secured.
- 10.87 In light of this, the proposal is considered to be in accordance with Policy LP53 of the adopted Kirklees Local Plan and NPPF (Chapter 15), particularly Paragraph 183.

Employment Opportunities

- 10.88 Policy LP9 states that wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. The policy further requires that new industrial developments over 3,500 sqm of floorspace should seek to secure a training or apprenticeship programme.
- 10.89 The applicant has submitted information that no new employment opportunities would arise as a result of the proposal.
- 10.90 Whilst the creation of new employment opportunities is not an explicit policy requirement, it would be viewed as a material consideration in its own right and carry its own weight. The lack of proposed new employment opportunities is considered to weigh against the proposal, although this weight is considered to be limited due to the *encouragement* nature of the policy requirements. So too, the lack of securing a training or apprenticeship programme under Policy LP9. In this regard, the proposal is considered to be in conflict with Policy LP9 of the adopted Kirklees Local Plan, but with only some weight attributable to it. This policy conflict shall be weighed against the other policy and other material considerations of the proposal in the planning balance in Section 11 of this report.

Construction Matters

- 10.91 As with any new development project, there would likely be some disturbance to residential amenity during the demolition and construction phases of the proposal. Officers note, however, that this in itself is not a material consideration in planning terms that would weigh against a grant of planning permission.
- 10.92 KC Environmental Health have reviewed the submitted information and recommend the imposition of a pre-commencement condition to secure a Construction Environmental Management Plan (CEMP) to minimise and mitigate any adverse effects of the amenity of neighbouring occupiers during the demolition and construction phases of development. Officers agree with this approach and shall secure the relevant pre-commencement conditions.

Pre-Commencement Conditions

- 10.93 The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions.
- 10.94 Notice was served on 13/02/2023, 15/02/2023, and 17/02/2023 for the relevant conditions. Confirmation of agreement to the imposition of all of the proposed pre-commencement conditions from the applicant is still awaited. An update will be provided to Members at the committee meeting.

11.0 PLANNING BALANCE AND RECOMMENDATION

- 11.1 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.
- 11.2 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**, subject to the imposition of the conditions as set out below.

12.0 CONDITIONS

1. 3-year commencement timescale
2. Development in accordance with the approved plans
3. Phase I contaminated land assessment
4. Phase II contaminated land assessment
5. Contaminated land remediation strategy
6. Implementation of contaminated land remediation strategy
7. Contaminated land verification report
8. Provision of highway retaining wall/structure
9. Air Quality Impact Assessment
10. Construction Environmental Management Plan
11. Noise Impact Assessment
12. Surface and foul water drainage strategy
13. Separate foul and surface water drainage systems
14. No piped discharge prior to completion of surface water drainage works
15. Details of external materials
16. Solar Panel Glint and Glare Assessment
17. External lighting strategy
18. Swift (*Apus apus*) nesting box
19. Compliance with Bat Roost Survey Report

and any other conditions deemed necessary by the Head of Planning and Development.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership:

Certificate A signed.

Report Dated: 20 February 2023