
Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 10-Jul-2025

Subject: Planning Application 2023/92023 Change of use from general industry B2 to storage and distribution B8 Z A Enterprises Ltd, 4, Marsh Gardens, Honley, Holmfirth, HD9 6AP

APPLICANT

M Zulqarneyn

DATE VALID

18-Jan-2024

TARGET DATE

14-Mar-2024

EXTENSION EXPIRY DATE

29-Jul-2025

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: Holme Valley North

Ward Councillors consulted: No

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 This application is brought to committee at the request of Ward Councillor Donna Bellamy for the following reasons:

'Local concerns, particularly relating to the impact of commercial vehicle movements in a predominantly residential area. The proposed use could lead to highway safety issues and disruption due to the presence of larger delivery vehicles, which is especially concerning given the proximity to a local doctor's surgery and the general residential character of the area. These concerns relate to material planning considerations, including residential amenity, highway safety, and the appropriateness of the proposed use in this location.'

1.2 The Chair of the Sub-Committee has confirmed that the reasons for the referral to the committee by Councillor Donna Bellamy are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site refers to an industrial building, located at Marsh Gardens, Honley. Access to the industrial building is off the highway of Marsh Gardens, via an unadopted highway. The premises was previously used by an engineering business and then by a bakery.

2.2 This application is retrospective, the current operation of the building is by Z A Enterprises, that sells household goods via the internet. The premises is used to store / distribute the goods.

2.3 The site is located approximately 75 metres from Honley District Centre.

2.4 Public footpath HOL/27/20 runs via the unadopted highway to the south-west of the site.

3.0 PROPOSAL:

3.1 Planning permission is sought for the change of use of the site from general industry (use class B2) to storage and distribution (use class B8).

- 3.2 This is a retrospective planning application; the building was previously used by an engineering business and then by a bakery. It is now used by a business that sells household goods through the internet.
- 3.3 Goods are delivered to the premises by wagons that visit the site two or three times a week, and then goods are delivered to the customers with five or six courier vans leaving the premises a day. The site has its own customer parking and a delivery bay to the front of the building.
- 3.4 This application does not include any external alterations to the building or wider site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Whilst there is planning history at the site, it all pre-dates the year 2000, encompassing applications from the 1980s and 1990s and relate to extensions / alterations of the building at the site and the use for general industrial purposes. As such the planning history is considered to be of limited weight in the determination of this current planning application, other than confirming the established use of B2 (general industry).
- 4.2 It is considered the established use of the site for general industrial purposes is a factor which is afforded weight in the consideration of this application.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Within their initial consultation response KC Highways Development Management set out that they required further information be submitted in relation to up-to-date car park capacity information and swept paths.
- 5.2 Further information was submitted, specifically the following:
- HGV tracking plan (ref: 0001A)
 - Access Statement (ref: 2328)
- 5.3 It is noted that upon the original submission, the site was given the address: Propermaid Ltd, however, the agent confirmed that this was the previous tenant on the site and was an error on their part. The address was subsequently changed to Z A Enterprises Ltd.

6.0 PLANNING 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 Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).
- 6.2 The site is located approximately 75 metres from Honley District Centre. Public footpath HOL/27/20 runs via the unadopted highway which leads to the site.
- 6.3 The application site is located within the Holme Valley Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

- 6.4 The application site is located upon potentially contaminated land. The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.
- 6.5 The application site is located just outside of the boundaries of the Honley Conservation Area. Given that this planning application seeks permission for the change of use of the application site, with no external alterations proposed, it is not considered that any further assessment of heritage impacts is necessary in this instance.
- 6.6 The following are considered relevant to the determination of this application:

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective Use of Land and Buildings
- LP21 – Highways and Access
- LP22 – Parking
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- 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

Holme Valley Neighbourhood Development Plan:

- 6.7 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The site falls within Local Characteristic Area 6 - Honley Village Centre. Key landscape characteristics of LCA6 are:
- Wooded valleys associated with Mag Brook and Magdale.
 - Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
 - Stone wall field boundary treatments
 - A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.
- 6.8 Key built characteristics of LCA6 are:
- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
 - The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
 - Weaver's cottages with rows of mullioned windows are found throughout area.
 - Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

6.9 The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and enhancing the landscape character of Holme Valley
- Policy 2 – Protecting and enhancing the built character of the Holme Valley and promoting high quality design
- Policy 9 – Protecting and enhancing local community facilities
- Policy 12 – Promoting sustainability

National Policies and Guidance:

6.10 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 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via site notice, neighbour notification letters and within the newspaper.

7.2 Final publicity date expired: 1st March 2024.

7.3 In response to publicity, 11 objections were received, and one general comment. The objections (and comment) raised the following concerns:

Visual Amenity / Heritage Significance:

- Marsh Gardens is in the Honley Conservation Area. Granting this planning application goes against this concept and would turn the area into a mini-industrial estate.

Residential Amenity:

- The application is requesting 7am to 7pm Monday to Friday, 7am to 2pm Saturday and Sunday. Marsh Gardens is a No Through Road with numerous residents, access to the Surgery and Honley Junior and Infant school. On the plan provided, the block of flats immediately in front of the property and alongside the access road, are occupied by senior citizens. A change to the proposed times would be disruptive and affect these and all residents in an unacceptable manner.

Highway Safety:

- The vehicles that have been making deliveries are large HGVs and large Truck and Trailer container style vehicles. They can only park and offload on the blue lined access road, blocking the entrance to the Surgery car park. Furthermore, these large vehicles have great difficulty turning into and out of the access road and require multiple point turns, this can take several minutes affecting access to the Surgery car park and the Surgery itself. Residential walls have been hit, and a pavement anti parking bollard was destroyed and subsequently had to be made good by the councils Highway Dept. Marsh Gardens was recently resurfaced and re-kerbed. These large vehicles are making their mark on the road, kerbs and pavements.
- The proposition to enter Bank Bottom Works is to reverse from the doctors surgery which is extremely narrow and then drive down the blue marked entrance Bank Bottom Works because of the length of the vehicles there is not an alternative hence creating a dangerous situation for school children, patients and residents. Often the large vehicles cannot make this movement and are using a forklift to and from the works to the vehicle which is extremely dangerous and blocking the whole public way.
- Deliveries to the storage facility appear to be more frequent than was previously the case: due to the distribution of goods from the storage facility the departing traffic is now more likely to occur throughout the day (and will potentially increase) adding to the congestion in Marsh Gardens.
- Large vehicles are often parked whilst arranging delivery to the storage facility, impeding the use of Marsh Gardens and affecting access to adjacent properties, including the surgery car park. Pedestrian and road traffic are also affected whilst large vehicles manoeuvre into the road leading to the property, navigating the narrow access and sharp turns involved.
- Access for emergency and other services may be affected due to the presence of a large delivery vehicle, either parked whilst arranging assistance or manoeuvring to reach the storage facility. We have emergency ambulances regularly coming to the Surgery.
- A vehicle over the weight as outlined in the Highways response of 28th May accessed the site recently.
- Fence has been hit by vehicles accessing the site.

Address:

- Covering letter and application form indicated that it is Propermaid Ltd which is making the application for change of use. According to Companies House records, this company has ceased trading and was dissolved in 2019.

Publicity:

- There is not a notice on Marsh Gardens or surrounding roads and only two of the flats in Marsh Court were sent letters.

- 7.4 Holme Valley Parish Council state that they support the development although set out that one councillor raised concerns about the plans and believes the red boundary line to be inaccurate.
- 7.5 The third-party representations are addressed within the 'Assessment' section of this report.

8.0 CONSULTATION RESPONSES:

- 8.1 The following consultations were undertaken as part of the application:

KC Highways Development Management – Initial response received that the application contained insufficient information to allow a proper highway assessment to be undertaken. Further information requested, including swept paths and up-to-date car park capacity information.

On receipt of this information, no objections raised subject to condition restricting the size of vehicles entering and exiting the site.

KC Environmental Health – There are residential premises in the immediate area and therefore, recommend a condition for the submission of a noise management plan and to control the hours of use.

KC Crime Prevention – Advise they have no comments to make due to the application being a change a use and retrospective.

- 8.2 The responses received are discussed in greater detail in section 10 of this report.

9.0 MAIN ISSUES

- Principle of development
- Visual Amenity
- Residential amenity
- Highway issues
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*
- 10.2 Chapter 2 of the NPPF goes onto 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...”*
- 10.3 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.”*

- 10.4 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.”*
- 10.5 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”*.
- 10.6 The development has seen the existing employment use of the site (general industry) continue within another identified employment use (storage and distribution). It is considered that, having regard to the current established use of the site, the principle of the use of the site for storage and distribution purposes only is acceptable in this case. It is recommended that any approval restricts the use of the site to that as applied for, and any ancillary offices, for the avoidance of doubt and to ensure no town centre uses are introduced in an out-of-town centre location.

Visual Amenity

- 10.7 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.
- 10.8 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...’*
- 10.9 Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment, in this case Local Characteristic Area 6 – Honley Village Centre.
- 10.10 Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.
- 10.11 To ensure the impact of external storage does not detract from the visual amenities of the locality, a condition is recommended to be included which requires that no external storage is undertaken.
- 10.12 No external alterations are proposed to the building or wider site as part of the change of use to storage / distribution. As such, visually, the development is not considered to impact upon the character and or setting of the site, both within its immediate context and when viewed within the wider street scene. As such, the development is considered to appropriately comply with Policy LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and the policies contained within Chapter 12 of the NPPF.

Residential Amenity

- 10.13 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.”*
- 10.14 Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and sustainable mitigation measures to protect the quality of life and well-being of people.
- 10.15 Policy 2 of the Holme Valley Neighbourhood Development Plan states that *‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.’*
- 10.16 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.
- 10.17 No external alterations are proposed to the building or wider area as part of the development to change the use of the site. As such, it is not considered that the development would give rise to any increased impacts of overbearing, overshadowing or overlooking towards neighbouring properties.
- 10.18 As part of the assessment of this application, a formal consultation was undertaken with KC Environmental Health. Within their consultation response, KC Environmental Health officers set out that, upon any grant of approval, a condition should be imposed regarding the submission of a noise management plan.
- 10.19 Whilst this planning application seeks retrospective planning permission for the change of use of the site, it is considered that, upon any grant of approval, the submission of a noise management plan could be conditioned, such that the condition specifies a timeframe within which the noise management plan needs to be submitted following determination.
- 10.20 Any such condition would need to state that, within the timeframe set out in the condition, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The condition would also set out that the noise management plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the deliveries/dispatches and the actions that will be taken to prevent a loss of amenity. The condition would also require that the approved noise management plan be implemented before use commences and retained thereafter.
- 10.21 In addition, a condition restricting the hours of use is also recommended. The recommended restrictions would be that the use would not be open for Customers, Deliveries and Dispatches outside the hours of 0800hrs to 1800hrs Monday to Saturday and 1000hrs to 1600hrs Sunday and Bank Holidays.
- 10.22 Weight is afforded to the realistic fall back for use of the site to be undertaken for a use falling within use class B2, potentially over a longer period of time each day. Taking account of this and with the inclusion of the aforementioned conditions, it is considered that the proposal would appropriately comply with the requirements of Policy LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the NPPF.

Highway issues

- 10.23 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 Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.
- 10.24 This application seeks approval to the change of use from general industry B2 to storage and distribution B8 at Z A Enterprises Ltd, 4, Marsh Gardens, Honley, Holmfirth.
- 10.25 Within the covering letter submitted as part of this application the following is set out:
- 'This is a retrospective application. The site was previously an engineering business and then it was used as a bakery. It is now used by a business that sells household goods through the internet. Goods are delivered to the premises by wagons that visit the site two or three times a week, and then goods are delivered to the customers with five or six courier vans leaving the premises per day. The site has its own customer parking and a delivery bay to the front of the building.'*
- 10.26 The application form sets out that there are 12 off-street parking spaces and 2 HGV parking spaces and 10 full time employees.
- 10.27 As part of the processing of this application, a formal consultation was undertaken with KC Highways Development Management.
- 10.28 Given the relatively low traffic generation quoted by the applicants, KC Highways Development Management confirmed, within their initial response, that they had no objection to the proposals in principle. However, they did conclude that the application as submitted provided insufficient information to allow a proper highway assessment to be undertaken and requested that the following be submitted:
- Vehicle swept paths should be provided to demonstrate that the largest vehicle anticipated to visit the site (16.5m articulated lorry) can enter and exit and turn within the site.
 - A plan showing the layout of the proposed parking areas should be provided.
- 10.29 As a result, the applicant provided an Access Statement prepared by Paragon Highways which includes vehicle swept paths for a 7.170 m long vehicle and shows 10 proposed employee parking spaces are not affected by the vehicle turning movements. This plan demonstrates how parking can be achieved and turning areas provided.
- 10.30 The further information was considered acceptable to Highway Development Management providing the applicants are prepared to accept a condition restricting the size of delivery vehicles to that shown on the vehicle tracking swept paths plan or a 3500 kg light goods vehicle.
- 10.31 The applicants' agent was subsequently contacted, in relation to the recommended condition, and that any permission would need to be bound by the constraints of a condition which requires that the vehicle weight for all vehicles associated with the use of the site for collection and deliveries does not exceed 3500kg.

- 10.32 Within an email dated 18th June 2025, the applicants confirmed agreement to such a condition being included upon any grant of permission. In addition, to ensure that the turning and parking areas remain unaffected, it is recommended that a condition be included upon any grant of permission requiring no external storage takes place. A further condition is also recommended to be attached requiring the marking out of the parking and turning areas outlined on the submitted drawing titled 'Srigid & sdv vehicle tracking and parking' (ref 0001RevA).
- 10.33 On the basis of the inclusion of the recommended conditions it is considered the impact of the change of use is not significantly greater than that of the lawful use of the site which can take place in any event and the proposal would appropriately accord with the aforementioned policies.

Other Matters

Climate Change:

- 10.34 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.
- 10.35 The proposal is for the change of use of an existing building. As part of the submission, a Climate Change Statement was included, which sets out various mitigation measures including low energy lighting and maximising thermal insulation levels in external walls, floor and roof wherever possible.
- 10.36 Considering that the proposal is for the change of use of an existing building, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

Strategic Green Infrastructure Network:

- 10.37 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.

10.38 Considering that the proposal is for the change of use of an existing building, it is not considered to have a detrimental impact upon the strategic green infrastructure network, with no trees or hedgerows proposed to be removed. The application is therefore considered to be acceptable in this regard.

Bats:

10.39 Chapter 15 of the NPPF is 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.

10.40 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. The application site lies within the bat alert layer on the Council's GIS system.

10.41 Given that this application seeks the change of use of the building, with no external alterations proposed, it is considered unlikely that the granting of permission would pose detriment to any roosting bats if present at the site.

10.42 As a cautionary measure, a note would have been included on 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.

Contaminated Land:

10.43 The application site is located upon potentially contaminated land. However, given the nature of the development it is considered the change of use of the land would not have a material impact upon land quality or exposure of users of the site to potentially contaminated land over and above that which exists already.

Representations

10.44 In response to publicity, 11 objections and 1 letter of comment were received. The concerns raised within the objections are set out below, accompanied with an officer response.

Visual Amenity / Heritage Significance:

- Marsh Gardens is in the Honley Conservation Area. Granting this planning application goes against this concept and would turn the area into a mini-industrial estate.

10.45 *Officer Response:* Officers acknowledge the location of the application site, just outside of the boundaries of the Honley Conservation Area. However, given that this planning application seeks permission for the change of use of the application site, with no external alterations proposed, officers do not consider that the development would pose detrimental impacts to the heritage significance of the Conservation Area.

Residential Amenity:

- The application is requesting 7am to 7pm Monday to Friday, 7am to 2pm Saturday and Sunday. Marsh Gardens is a No Through Road with numerous residents, access to the Surgery and Honley Junior and Infant school. On the plan provided, the block of flats immediately in front of the property and alongside the access road, are occupied by senior citizens. A change to the proposed times would be disruptive and affect these and all residents in an unacceptable manner.

10.46 *Officer Response:* A full assessment of the impacts on residential amenity is set out within the corresponding section of this report.

Highway Safety:

- The vehicles that have been making deliveries are large HGVs and large Truck and Trailer container style vehicles. They can only park and offload on the blue lined access road, blocking the entrance to the Surgery car park. Furthermore, these large vehicles have great difficulty turning into and out of the access road and require multiple point turns, this can take several minutes affecting access to the Surgery car park and the Surgery itself. Residential walls have been hit, and a pavement anti parking bollard was destroyed and subsequently had to be made good by the councils Highway Dept. Marsh Gardens was recently resurfaced and re-kerbed. These large vehicles are making their mark on the road, kerbs and pavements.
- The proposition to enter Bank Bottom Works is to reverse from the doctors surgery which is extremely narrow and then drive down the blue marked entrance Bank Bottom Works because of the length of the vehicles there is not an alternative hence creating a dangerous situation for school children, patients and residents. Often the large vehicles cannot make this movement and are using a forklift to and from the works to the vehicle which is extremely dangerous and blocking the whole public way.
- Deliveries to the storage facility appear to be more frequent than was previously the case: due to the distribution of goods from the storage facility the departing traffic is now more likely to occur throughout the day (and will potentially increase) adding to the congestion in Marsh Gardens.
- Large vehicles are often parked whilst arranging delivery to the storage facility, impeding the use of Marsh Gardens and affecting access to adjacent properties, including the surgery car park. Pedestrian and road traffic are also affected whilst large vehicles manoeuvre into the road leading to the property, navigating the narrow access and sharp turns involved.
- Access for emergency and other services may be affected due to the presence of a large delivery vehicle, either parked whilst arranging assistance or manoeuvring to reach the storage facility. We have emergency ambulances regularly coming to the Surgery.
- A vehicle over the weight as outlined in the Highways response of 28th May accessed the site recently.

10.47 *Officer Response:* A full assessment of the impacts on highway safety is set out within the 'Highways Issues' of this report.

Address:

- Covering letter and application form indicated that it is Propermaid Ltd which is making the application for change of use. According to Companies House records, this company has ceased trading and was dissolved in 2019.

10.48 *Officer Response:* The planning agent requested a change of address during the course of the application. Upon original submission, the site was given the address: Propermaid Ltd, however, the agent confirmed that this was the previous tenant on the site and was an error on their part. The address was subsequently changed to Z A Enterprises Ltd.

- Fence has been hit by vehicles accessing the site.

10.50 *Officer Response:* Damage caused by vehicles accessing the site is not a material planning matter and would be a civil matter between the relevant parties. The impact of the proposal as a result of vehicles accessing the site, and the size of vehicles, is addressed in the 'Highway Issues' section of this report.

Publicity:

- There is not a notice on Marsh Gardens or surrounding roads and only two of the flats in Marsh Court were sent letters.

10.49 *Officer Response:* The application was publicised in accordance with the Council's Development Management Charter applicable at the time of publicity.

11.0 CONCLUSION

11.1 This application 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.

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

11.3 It is considered that the development proposals accord with the development plan when assessed against policies in the National Planning Policy Framework and other material considerations.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development be undertaken in accordance with the submitted details.
2. Restriction that the use is storage and distribution and any offices are ancillary to that use.
3. Hours of use are not permitted for customers, deliveries and dispatches outside the hours of:
 - 0800hrs to 1800hrs Monday to Saturday
 - 1000hrs to 1600hrs Sunday and Bank Holidays
4. Noise Management Plan shall be submitted to, and approved by, the Local Planning Authority.
5. No vehicle shall access the site in association with the use hereby approved that exceeds 3500kg.
6. There shall be no external storage within the area outlined in red upon drawing (100)01 titled 'Site Plan'.

7. All vehicular parking and turning areas shown on submitted plan titled 'Srigid & sdv vehicle tracking and parking' (ref: 0001revA) be marked out, provided and thereafter retained.

FOOTNOTE: Bats

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92023>

Certificate of Ownership – Notice served on/ or Certificate A signed.