

---

**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 24-Jun-2020**

**Subject: Planning Application 2019/91728 Erection of industrial development and formation of new site access from Huddersfield Road and on site parking Spinksmire Mill, Huddersfield Road, Meltham, Holmfirth, HD9 4AN**

**APPLICANT**

SDC Enterprises Ltd

**DATE VALID**

04-Jun-2019

**TARGET DATE**

03-Sep-2019

**EXTENSION EXPIRY DATE**

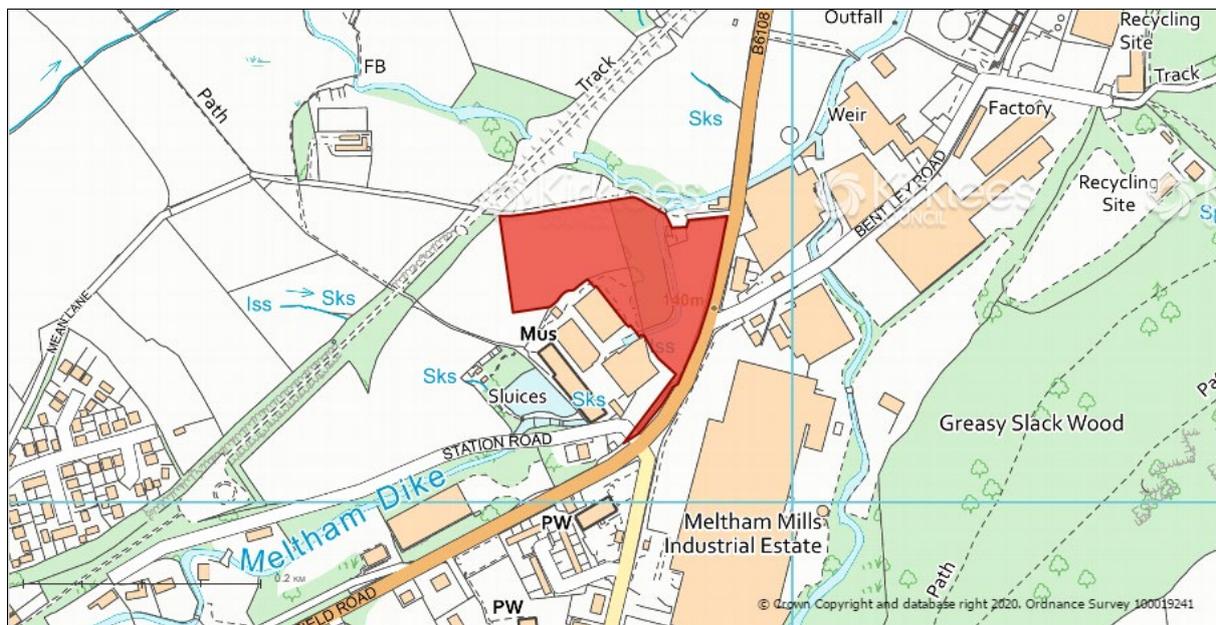
30-Sep-2019

---

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

---

**Electoral wards affected: Holme Valley North**

**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 and to secure a Section 106 agreement to cover the following matters:

1. A financial contribution of £15,000 towards the cost of relocating the bus shelter in the vicinity of the junction with the proposed access road
2. A financial contribution of £10,000 towards travel plan monitoring
3. A financial contribution of £15,000 towards the provision of a cycle link to the Meltham Greenway

In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to the Strategic Planning Committee as the site exceeds 0.5ha and the proposal relates to non-residential development.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site measures approximately 1.7ha and is located approximately 1.1 km northeast of Meltham town centre on the periphery of a group of commercial uses which are concentrated to the east and southeast of the site. Open land, including grazing land and established wooded areas, extend to the north of the site. Residential development is primarily concentrated some distance to the west and southwest of the site, although a number of dwellings are much closer to the east, the closest being immediately adjacent to the application boundary and on the opposite side of Huddersfield Road.
- 2.2 The site forms part of a wider area allocated in the Kirklees Local Plan as employment land (ES11) and currently comprises open land and established woodland. The land rises from Huddersfield Road and levels change across the site from the lowest point to the east to the highest point to the west by approximately 15m.

2.3 The majority of the site is located within Flood Zone 1. However, an area to the east adjacent to Huddersfield Road is located within Flood Zones 2 and 3. Part of the site has been identified as contributing to the district's wildlife habitat network and a Tree Preservation order (ME1/57/g5) is close to the site's northern boundary albeit outside the application site. A Grade II listed mill building (M2/21) is located to the east of the site on the other side of Huddersfield Road and Public Right of Way (MEL/24/20) is immediately adjacent to the northern boundary of the application site.

### **3.0 PROPOSAL:**

3.1 Full Planning permission is applied for, the proposal involves development of a new industrial building for the textile manufacture/printing business. The new building would include areas for manufacture together with storage, warehouse, office and welfare space. The total floor space created would be 5,306sqm.

3.2 The proposed building would be split level to reflect site topography and would involve an element of cut-and-fill and associated retaining structures. A gabion type structure will be created at the western end of the building to retain adjacent land. This building would be of a typical steel framed design and use a mixture of insulated cladding panels with areas of stonework to office element.

3.3 It is proposed to create a new site access which would adjoin Huddersfield Road and off-street parking within the site.

3.4 The proposed operating hours are 24 hours a day, seven days a week.

3.5 The proposal originally included the erection of a number of starter units to the south of the manufacturing building. However, this element of the proposal was deleted from the application following concerns raised about their proximity to Flood Zone 3 and the associated flood risk.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 No planning applications have been made with respect to the application site itself although a number have been made in the vicinity. Those that are considered relevant are listed as follows:

94/92979 – Telecommunications notification for the prior approval of details for the erection of 15m mast with antennae and equipment cabinet (approved).

98/90920 – Formation of access road and bridge (approved).

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

5.1 Negotiations during the assessment of this application resulted in the following:

- Additional information regarding potential impacts on local ecology
- Updated Flood Risk Assessment

- Additional information regarding potential effects on highway safety and the local highway network
- The deletion of starter units which were originally included as part of the proposal
- The new bridge over Meltham Dike has been increased in height to address flood risk concerns

## **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 27/02/2019).

### Kirklees Local Plan (2019):

- 6.2 The site forms part of site allocation ES11. ES11 relates to 3.82ha (gross) / 3.24ha (net, not including BAP priority habitat), sets out an indicative capacity of 11,340sqm of floorspace, and identifies the following constraints:

- Public right of way crosses the site
- Part of the site is within flood zone 3
- Surface water issues
- Potential for noise impact
- Potential for odour impact
- Air quality issues
- Part of site lies within a UK BAP Priority habitat

- 6.3 Relevant Local Plan policies are:

LP1 – Achieving Sustainable Development  
 LP2 – Place Shaping  
 LP3 – Location of New Development  
 LP9 – Supporting skilled and flexible communities and workforce  
 LP20 – Sustainable Travel  
 LP21 – Highway safety  
 LP22 – Parking  
 LP23 – Core walking and cycling network  
 LP24 – Design  
 LP27 – Flood Risk  
 LP28 – Drainage  
 LP30 – Biodiversity and Geodiversity  
 LP32 – Landscape  
 LP33 – Trees  
 LP35 – Historic Environment  
 LP38 – Minerals safeguarding  
 LP51 – Protection and improvement of local air quality  
 LP52 – Protection and improvement of environmental quality  
 LP53 – Contaminated and unstable land  
 LP64 – Employment allocations

## Supplementary Planning Guidance / Documents and other documents:

### 6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide (2019)
- Kirklees Economic Strategy (2019)

## National Planning Policy and Guidance

### 6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- 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
- Chapter 16 – Conserving and enhancing the historic environment

### 6.6 Since March 2014 Planning Practice Guidance for England has been published online.

### 6.7 Relevant national guidance and documents:

- National Design Guide (2019)

## **7.0 PUBLIC/LOCAL RESPONSE:**

### 7.1 This application was initially publicised via four site notices in the vicinity of the site, the mailing of 23 neighbourhood notification letters, and an advertisement in the local press. This resulted in the receipt of seven separate representations objecting to the proposal. The issues raised are summarised below, and associated responses are to follow:

- The proposed development would have a detrimental impact on highway safety.
- The site is on land which is located within flood zones 2 and 3 and this development could therefore increase flood risk in the area.
- The development would lead to the loss of mature trees.
- If the development was to operate 24 hours a day this would have a detrimental impact on the amenity of nearby residents.

- The visual amenity of nearby residents would be adversely affected by the proposal.
- This proposal would have a detrimental effect on the value of residential properties.
- This development is not required as existing commercial premises in the immediate area are vacant.
- Local bat populations would be adversely affected by this development
- The development would have a detrimental impact on local air quality which would lead to local residents experiencing unacceptable health problems.
- This proposal would lead to a loss of open space in the area.

7.2 Two further rounds of publicity were subsequently undertaken to reflect changes to the proposals and the submission of additional information. The publicity took into account the removal of the starter units and revised flood risk assessments as well as ecology information. The publicity was undertaken this year, most recently in April, and involved the sending of neighbour notification letters. A total of four representations were received in response to both rounds of publicity. A summary of the comments received is set out below:

- Flood risk remains the main area of concern. The flood risk assessment still says the site is not at risk of flooding but evidence of flooding on the site has previously been provided. As such how much faith can be placed in the proposed flood mitigation measures?
- Highway safety concerns with the additional junction onto Huddersfield Road. Station Road would be a better point of access.
- Recessed bus stop and reduction in speed limit needed on Huddersfield Road.
- More information needed on the proposed new planting.
- Detrimental impact on ecology, especially around Meltham Dike. Concerns with impact on bats during construction.
- Visual amenity and landscape concerns, including from the proposed grey colour of the cladding. More planting is needed to mitigate this.
- Drystone boundary walls should be re-built and drainage and resurfacing works provided to the footpath to the north.

7.3 Ward members were consulted on this proposal and the following comments were received:

Cllr Charles Greaves

*“Is there any scope to get s106 Public space / Footpath / Cycle path funding out of Industrial developments?”*

*A proposal has just come in for one next to the existing Greenway at Meltham Mills.”*

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

K.C. Highways – No objection subject to planning conditions which require:

- Areas to be used by vehicles to be surfaced and drained prior to development being brought into use
- Visibility spays being cleared of obstructions prior to development commencing
- Details of the storage and collection of waste from the premises to be agreed prior to development commencing
- The submission of a detailed scheme for the relocation of the bus stop and associated shelter in the vicinity of the new access prior to development commencing
- The relocation of the lighting column in the vicinity of the new access prior to the occupation of the development
- The submission of a full Travel Plan within 3 months of any part of the development being brought into use

and securing the following financial contributions via a Section 106 agreement:

- A contribution of £15,000 towards the cost of the relocation of the bus shelter
- A contribution of £10,000 for travel plan monitoring

K.C. Lead Local Flood Authority – No objection subject to conditions

Environment Agency – No objection subject to conditions

### 8.2 Non-statutory:

K.C. Conservation and Design – No objection subject to the proposed starter units to include elements of natural stone in their construction

K.C. Ecology Unit – No objection following Habitats Regs. screening Assessment

K.C. Environmental Health – No objection subject to planning conditions which require:

(i) The submission and agreement of a Construction Management Plan (CMP) which describes how the following shall be mitigated

- Noise and vibration arising from all construction related activities.
- Dust arising from all construction related activities.

- Artificial lighting used in connection with all construction related activities and security of the construction site.
- (ii) The submission of a further intrusive site investigation report and the measures to deal with any contamination identified and subsequent validation of the works.
- (iii) The submission of a revised travel plan
- (iv) The installation of electric vehicle charging facilities
- (v) The submission and agreement a noise insulation scheme to protect the amenity of the nearest residential properties

K.C. Arboricultural Officer – No objection subject to the submission and approval of an Arboricultural Method Statement, Tree Protection Plan and the re-location of the outfall from the surface water attenuation tank serving the starter units to ensure no conflict with retained trees.

K.C. Yorkshire Water – No objection subject to planning conditions which require that:

- (i) The site is developed by a separate system of drainage for foul and surface water and the foul water discharge rate be restricted to 4.75 l/s.
- (ii) No piped discharge of surface water from the site until satisfactory outfalls have been completed in accordance with details approved by the Local Planning Authority
- (iii) Surface water drainage from hardstanding areas and car parks to be passed thorough suitable oil/petrol/grit interceptors prior to discharge from the site
- (iv) Foul water from kitchens and food preparation areas to pass through suitable fat/grease traps

West Yorkshire Archaeological Advisory Service – Recommends that an archaeological evaluation is carried out prior to this application being determined.

West Yorkshire Police - No objection in principle but has recommended that the development include a number of measures to reduce the risk of crime

Natural England – No objection

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Local amenity issues
- Ecological issues
- Highway issues
- Flood Risk and Drainage issues
- Representations
- Climate change
- Other matters

## 10.0 APPRAISAL

### 10.1 Principle of development

10.2 Paragraphs 7 and 8 of the NPPF confirm that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 11 indicates that planning decisions should apply a presumption in favour of sustainable development and for decision taking should therefore:

- seek to approve development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, grant permission unless:
  - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.3 The NPPF makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 80 of the NPPF states:

*“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...”*

10.4 The application site falls within a wider area which is allocated as employment land (ES11) in the Kirklees Local Plan. Consequently, the principle of developing the site for uses involving employment generation has been accepted subject to there being no significant conflict with local or national policy considerations.

10.5 This proposal is designed to provide a new facility for an existing business which will allow the business to grow and create additional employment. At present the business employs 33 staff and this would increase to 41 on relocation to the proposed development. Consequently, as this proposal would contribute positively to the local economy in terms of jobs and investment, it is considered that, subject to this proposal not compromising the key sustainable development principles set out in the NPPF, this development is acceptable in principle.

### 10.6 Urban design issues

- 10.7 The site is located within a setting which has a mixed residential/commercial character although there are extensive open areas extending to the north and west of the site. The site slopes from west to east and levels vary by approximately 15m across the site and this has influenced the design of the proposed main manufacturing building.
- 10.8 Rather than excavating the hillside completely to create a single level area, the main building has been designed to form a split-level structure which minimises the cut and fill required. The footprint of this building would occupy an area of approximately 5,306sqm.
- 10.9 Due to the split-level design, this building would comprise of single storey and two storey elements and, as a consequence, its height would vary. The highest part of the building would be approximately 9.5m from ground level. However, due to the topography of the site the impact of the building on the wider landscape would be reduced. Furthermore, the proposal would retain a significant number of mature trees and vegetation on site which would help to soften the impact of the new building on the existing landscape.
- 10.10 This site lies on the periphery of a concentration of commercial premises which extend to the east and south east. These buildings exhibit a variety of designs and use facing/roofing materials which include red brick, stone, metal profile cladding and combinations of those materials. The applicant has indicated that this proposal would involve the use of natural stone in combination with metal profile cladding. Natural stone would be used on the parts of the elevations facing Huddersfield Road.
- 10.11 It is therefore considered that this proposal would assimilate well within this setting and would therefore accord with Kirklees Local Plan policies LP24 and chapter 12 of the NPPF with regard to its design.
- 10.12 Local amenity issues
- 10.13 The closest residential properties are located to the to the east of the site and Would be approximately 70m from the proposed manufacturing building. Whilst the proposed building would be sited on land at a higher level than these residential properties, views of the development would be screened to some extent by exiting vegetation which is to be retained as part of the development. Consequently, it is considered that as land levels would be lowered to accommodate the new building, combined with natural screening and the distance from the dwellings the new building would not have an overbearing affect.
- 10.14 The new building would be substantial in size but would be of a scale similar to other commercial premises in the vicinity. The split-level design which involves setting the building into the hillside would help to reduce its visual impact when viewed from Huddersfield Road. A public right of way (MEL/24/20) runs adjacent to the northern boundary of the application site and another (MEL/23/60) is close to the site to the southwest. The building would be visible from both of these PROWs. However, the use of landscape planting would help to mitigate the visual impact experienced by users of these routes. Whilst there is no doubt that the development would have an effect on the visual amenity of the area, it is considered that this impact would be limited, and suitable measures could be introduced to satisfactorily mitigate any associated detrimental effects to visual amenity.

- 10.15 With regard to this proposal's visual impact on the wider landscape, the site is screened to some extent by existing woodland to the north, west and south and by existing development to the east. Consequently, long distance views of the development would be limited. Furthermore, the development would assimilate reasonably well with the context of the existing landscape setting. It is therefore considered that the development would not have a significant detrimental visual impact on the wider landscape.
- 10.16 This proposal would see the introduction of a new noise-generating development in the area. Whilst the building would be approximately 70m from the nearest of these dwellings, this development could have a detrimental impact on the amenity of the nearest residential properties as a result of noise. However, the proposed layout is such that the office and warehouse elements of the buildings would be closest to the nearest dwellings and the installation of suitable insulation measures would mitigate noise associated impact. It is therefore proposed to require the submission of a sound insulation scheme via planning condition.
- 10.17 The introduction of this new manufacturing operation will involve an increase in the number of vehicles visiting the area and a new process which will therefore have an impact on local air quality.
- 10.18 Due to the scale of the development it is considered to represent a major development for the purposes of the West Yorkshire Low Emissions Strategy (WYLES). Consequently, the applicant should demonstrate that any impact on air quality associated with this proposal can be adequately offset through the introduction of measures within the development.
- 10.19 Officers consider that this matter can be adequately addressed via a planning condition. The wording of such a condition has been suggested by the council's Environmental Service and would require the submission of an assessment prior to the occupation of the development. However, it is considered that it would be more appropriate to require the submission of the scheme prior to development commencing, to ensure any necessary works are incorporated into the development's construction, and so that retrospective works are not required in order to achieve compliance with the assessment's conclusions.
- 10.20 Officers consider that this proposal would accord with Kirklees Local Plan policies LP31, LP51, LP52 and chapter 15 of the NPPF with regard to its potential impacts on local amenity.
- 10.21 Ecological issues
- 10.22 The application site is approximately 2.5 kilometres east of the South Pennines Special Protection Area (SPA) and Special Area of Conservation (SAC) which is a European designated Natura 2000 site and therefore falls under the umbrella of the European Council Directive 92/43/EEC on the conservation of wild fauna and flora. This site is of international importance for its breeding bird assemblage (including Annex 1 Qualifying Species) and is part of the Natura 2000 Europe wide network of protected sites with a strict system of legal protection.

10.23 Article 6 Paragraph 3 of the EC Directive states:

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon..... shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned....”*

The conservation objectives for this SPA are as follows (Natural England - South Pennine Moors Phase 2 Special Protection Area):

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features \*\**
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site”.*

10.24 It should be noted that the Conservation Objectives apply to the whole of the designated site and any development which limits the distribution or, suppresses populations of relevant species within the site will be deemed to impact on Site Integrity.

10.25 Consequently In accordance with the Habitats and Wild Birds Directives officers undertook an initial screening exercise as part of an Appropriate Assessment (AA) to consider the likely effects this development would have on the SPA and the SAC. This screening exercise considered a number of possible impacts and the likelihood of impact and this can be summarised as follows:

<b>Possible Impact</b>	<b>Peak District Moors (South Pennine Moors Phase1) Special Protection Area</b>
Physical loss of habitat, including functionally linked habitat	No impact predicted
Non-physical disturbance, such as noise	No impact predicted
Air pollution	No impact predicted
Recreation and urban impacts	No impact predicted
Water quantity and quality	No impact predicted

The conclusion of the AA was that it can therefore be objectively concluded that there are not likely to be significant effects on the above-mentioned Special Protection Area as a result of the proposed development of this site.

- 10.26 The applicant has supported this application with an ecological assessment and bat survey the conclusions of which indicate the development would not have a significant detrimental impact on existing ecological systems. Officers have reviewed these documents and agree with these conclusions. Conditions are recommended requiring a Construction Environmental Management Plan to mitigate the impact of construction activities as well as a condition for a scheme of biodiversity enhancement measures based on native planting and bat and bird roost/nesting opportunities.
- 10.27 The development of the site would involve the loss of some existing trees. The council's Arboricultural Officer (AO) has indicated that this is acceptable as the more important trees on the site would be retained. Furthermore, the loss of existing tree can be mitigated via tree planting associated with landscape proposals for the site.
- 10.28 The AO raised concerns that drainage proposals for the starter units to the south of the main building would have a detrimental impact on the roots of trees to be retained and requested the relocation of an associated attenuation tank. However, these units have now been removed from this proposal and the drainage measures will not therefore be installed on that part of the site.
- 10.29 It is therefore considered that this proposal accords with Kirklees local plan policies LP30, LP33, LP52 and chapter 15 of the National Planning Policy Framework with its regard to its impact on local ecology and biodiversity.
- 10.30 Highway issues
- 10.31 This proposal involves the creation of a new access road which would directly adjoin Huddersfield Road (B6108) via a priority T-junction. This would require the relocation of an existing bus stop and associated shelter and a lighting column.
- 10.32 Huddersfield Road is a primary distributor road between Meltham and Huddersfield and is a single carriageway two-way vehicular highway. The highway in the vicinity of the proposed access is subject to a 40-mph speed limit and is street lit.
- 10.33 The applicant submitted a Transport Assessment (TA) in support of this application which concludes that the site is in a suitable location for the proposed development and there are no overriding highways or transport reasons to prevent the granting of planning permission for this proposal.
- 10.34 Officers initially considered that the supporting TA had the following deficiencies:
- It did not fully consider committed development within the area
  - It did not fully justify the use of the proposed sight lines

This resulted in a further Technical Note being submitted which satisfactorily addressed the above concerns.

- 10.35 An interim travel plan has been submitted to support this proposal which has considered the potential for the use of sustainable modes of transport in connection with this proposal. This plan also indicates measures which could be introduced to encourage sustainable transport use and its conclusions can be summarised as follows:
- The site is well located in terms of its proximity to existing key services/facilities and sustainable travel infrastructure
  - The development proposals would build upon this sustainable location by providing infrastructure to encourage walking, cycling and the use of public transport.
- 10.36 Officers agree that the sustainable transport goals can be achieved but consider that a full travel plan would be required to provide the detail of how the necessary measures would be implemented. Officers consider that this could be satisfactorily achieved by the inclusion of a planning condition.
- 10.37 With regard to parking, Kirklees Local Plan policy LP22 sets out the criteria for establishing parking requirements for new developments, which should be evidence based within the planning application submission. It is considered that by implementing a Travel Plan in association with this development, which would include a full commitment to creating a modal shift to sustainable travel modes car usage would reduce. Therefore, it is considered the proposed parking provision associated with the development is acceptable.
- 10.38 In order to construct the proposed access, an existing bus stop and shelter will require relocating. It is proposed to require a financial contribution from the applicant to fund the cost of this work.
- 10.39 Local Plan policy LP23 seeks to enhance the core walking and cycling network through development proposals and it is considered this development offers such an opportunity. A link to the existing Greenway is being considered which would run from Huddersfield Road via Station road. This would potentially be available for employees at this site to use. A financial contribution of £15,000 is therefore sought towards the provision of this link.
- 10.40 Officers therefore consider that subject to the conditions and planning obligation previously set out in this report, this proposal would accord with Kirklees Local Plan policies LP20, LP21 and LP22 with regard to its potential impact on the local highway network.
- 10.41 Flood Risk and Drainage issues
- 10.42 The majority of the site is located within Flood Zone 1 and is therefore at low risk of flooding. An area to the east adjacent to Huddersfield Road is however located within Flood Zones 2 and 3 which represent the higher risk flood areas.
- 10.43 Additional flood risk information was submitted during the course of the application and the scheme has been amended to increase the height of the proposed new bridge over Meltham Dike. The Environment Agency have assessed the proposals and no objections have been raised on the basis of the amended information. Conditions have been recommended in relation to the finished floor levels of the building and the soffit level of the bridge.

10.44 The Environment Agency has advised that plans should be put in place to ensure that safe access and egress is maintained in an emergency flood situation. A condition can be imposed requiring a flood evacuation plan. The proposed site layout includes a connecting roadway to Spinksmire Mill and this will assist with such a plan.

10.45 A surface water drainage strategy has been proposed which involves attenuating water on site and discharging it at a restricted rate to Meltham Dike. The applicant has demonstrated that the layout provides sufficient space for the attenuation tank and the overall principle of the strategy is accepted by Kirklees Lead Local Flood Authority. Conditions are recommended for the detailed design of the drainage scheme as well as its future maintenance and management. The Environment Agency has stated that they expect the surface water discharge to be no more than 5 l/s/ha to Meltham Dike to ensure there is no increase of surface water risk within the site, alteration of existing overland flow routes or transfer of surface water flood risk to others.

#### 10.46 Representations

10.47 The issues raised in representations received in connection with this proposal and the associated responses can be summarised as follows:

- *The proposed development would have a detrimental impact on highway safety.*

**Response** – This matter has been considered in the “Highways Section” of this report.

- *The site is on land which is located within flood zones 2 and 3 and this development could therefore increase flood risk in the area.*
- *Flood risk remains the main area of concern. The flood risk assessment still says the site is not at risk of flooding but evidence of flooding on the site has previously been provided. As such how much faith can be placed in the proposed flood mitigation measures?*

**Response** – The scheme was amended to remove some proposed starter units in order to address concerns with their proximity to Flood Zone 3 and the associated flood risk. The proposed building is located entirely in Flood Zone 1. The proposed bridge over Meltham Dike has also been increased in height to address flood risk concerns. The Environment Agency and Kirklees Lead Local Flood Authority raise no objections to the proposal subject to conditions (as referred to within this assessment).

- *The development would lead to the loss of mature trees.*

**Response** – This matter has been considered in the “Ecological issues” of this report.

- *If the development was to operate 24 hours a day this would have a detrimental impact on the amenity of nearby residents.*

**Response** – This matter has been considered in the “Local amenity section” of this report.

- *The visual amenity of nearby residents would be adversely affected by the proposal.*
- *Grey colour of cladding is inappropriate.*
- *More planting is needed to mitigate the visual impact of the development.*

**Response** – This matter has been considered in the “Local amenity section” of this report.

- *This proposal would have a detrimental effect on the value of residential properties.*

**Response** – Whilst it is acknowledged that planning decisions can affect property values, this is not a material planning consideration and cannot therefore influence the assessment of this application.

- *This development is not required as existing commercial premises in the immediate area are vacant.*

**Response** – This site is allocated in the Kirklees Local Plan for Employment and it has therefore been identified as a sustainable location for commercial development. This site has been chosen by the applicant as it addresses their individual requirements. Other vacant sites in the area may not be sufficient to accommodate this proposal.

- *Local bat populations would be adversely affected by this development*
- *Detrimental impact on ecology, especially around Meltham Dike. Concerns with impact on bats during construction.*

**Response** – This matter has been considered in the “Ecological issues” of this report. No objections have been raised by Natural England and Council’s Ecology Unit.

- *The development would have a detrimental impact on local air quality which would lead to local residents experiencing unacceptable health problems.*

**Response** - This matter has been considered in the “Local amenity section” of this report.

- *This proposal would lead to a loss of open space in the area.*

**Response** – Whilst it is acknowledged that this proposal would result in the development of green field land, negotiations have resulted in the area of the developed site being reduced and the proposal will include landscaped areas. On balance, bearing in mind the site has been allocated for employment development in the Kirklees Local Plan, it is considered that the loss of this open land for development is acceptable and would accord with advice contained in the national Planning Policy Framework

- *More information needed on the proposed new planting.*

**Response** – A condition requiring details of the proposed landscaping of the site is recommended.

- *Drystone boundary walls should be re-built and drainage and resurfacing works provided to the footpath to the north.*

**Response** – Details of the landscaping – which would include the boundary treatment - are to be secured by condition. It is not considered reasonable to require the developer to carry out works to other boundary walls within the vicinity of the site. The development is securing a contribution towards a link to the Meltham Greenway which would enhance local connectivity and sustainable travel options.

#### 10.48 Planning obligations

10.49 Should planning permission be granted Officers recommend it should be subject to a Section 106 agreement which would cover the following issues:

- Highways – A financial contribution of £15,000 towards the cost of relocating the bus shelter in the vicinity of the junction with the proposed new access road.
- Sustainable transport – A financial contribution of £10,000 towards travel plan monitoring.
- A financial contribution of £15,000 towards cycle way link at the Meltham Greenway

#### Climate change

10.50 On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.51 In this case conditions are recommended requiring a travel plan and electric vehicle charging points which will promote low carbon forms of transport which will help to mitigate the impact of the development on climate change. Furthermore, the development will deliver a financial contribution towards the provision of a link to the Meltham Greenway, which is part of the district's core walking and cycling network. This will help to promote sustainable travel measures, including by staff of the proposed development.

#### 10.52 Other Matters

10.53 The application site is close to a Grade II listed Mill building (Bent Ley Mill) which is located to the east of the site on the other side of Huddersfield Road. This is a former silk mill dating back to 1840, the façade of which faces the application site.

10.54 As the new building would be a considerable distance to the west and bearing in mind it is separated from the site by Huddersfield road, it is considered there is an adequate separation distance between the new building and this heritage asset and that the proposed development.

10.55 West Yorkshire Archaeological Advisory Service have requested that, whilst there is no record of archaeological remains within the application site, an archaeological survey should be carried out prior to this application being determined. However, Officers consider that this matter can be dealt with by including a suitably worded planning condition.

- 10.56 Consequently, the proposal accords with Kirklees Local Plan policy LP35 and chapter 16 of the National Planning Policy Framework with regard to its potential effect on Local Heritage assets.
- 10.57 The advice from the Police Architectural Liaison Officer can be incorporated as an advice note on any permission.

## **11.0 CONCLUSION**

- 11.1 This application site is allocated as employment land in the Local Plan and this proposal is therefore acceptable in principle.
- 11.2 The scale, siting and design of the proposed building would not have any significant detrimental impact on the visual amenity or character of the area and issues relating to highway safety, flood risk and ecology have been satisfactorily resolved. Residential amenity would not be unduly prejudiced subject to a condition regarding a sound insulation scheme.
- 11.3 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.
- 11.4 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.

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

1. Standard 3 years for implementation
2. Development to be carried out in accordance with approved plans
3. The approval of facing and roofing materials
4. Areas to be used by vehicles to be satisfactorily surfaced and drained
5. Visibility splays along the site frontage to be cleared of obstructions
6. The submission and agreement of waste storage and collection areas within the site
7. The re-location of the bus stop adjacent to the proposed site access
8. The re-location of the lighting column in the vicinity of the proposed site access
9. The submission and agreement of a full Travel Plan
10. A suite of conditions to deal with any on site contamination

11. The submission and approval of an Arboricultural Method Statement and Tree Protection Plan
12. The submission and approval of a Construction Environmental Management Plan
13. The submission of a sound insulation scheme which indicates the measures to protect the closest residential properties.
14. The submission of a full Air Quality Impact Assessment
15. The installation of suitable electrical vehicle charging points within the development
16. Finished floor levels of the building and the soffit level of the bridge over Meltham Dike to be no lower than those specified by the Environment Agency
17. The site to be developed by a separate system of drainage for foul and surface water
18. Detailed drainage design. No piped discharge of surface water until suitable outfall works have been completed.
19. Details of future maintenance and management of the surface water drainage system.
20. Surface water run-off from hardstanding areas to be passed through oil/petrol interceptors
21. Foul water from kitchens and food preparation areas to pass through suitable fat/grease traps
22. Approval of a flood evacuation emergency plan
23. Approval of temporary drainage scheme for construction phase
24. The submission and approval of landscaping proposals for the site.
25. A condition requiring an archaeological survey to be carried out prior to development commencing at the site.
26. Construction Environment Management Plan for biodiversity
27. Scheme for biodiversity enhancement measures

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91728>

Certificate of Ownership –Certificate A signed 09/05/2019.