

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/92315/E

Site Address: Unit 3B, Fountain Court, Huddersfield Road,
Roberttown, Liversedge, WF15 7QQ

Description: Installation of air conditioning condensers and extract
grilles

Recommending Officer: Emma Thompson

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 22-Dec-2017

Officer Report

Site Description

Fountain Court, Huddersfield Road, Roberttown, Liversedge

The application site relates to the part occupied Fountain Works. The site was redeveloped following demolition of the former factory which was used for go-karting.

The existing buildings are of single storey located on a large site with areas of parking. The application relates to unit 3b which is occupied by Greggs. Unit 1 is occupied by Sainsburys.

Access to the complex is directly from Huddersfield Road. At the time of site visit there was ample vacant parking spaces. Servicing is to the rear of the units accessed via a point at the southern end of the complex. Turning exists for service vehicles to the rear.

Description of Proposal

Installation of air conditioning condensers and extract grilles

The works are proposed to the rear elevation of the existing building, the condensers at near ground floor level and the grilles in the upper area of the wall to the rear of the unit.

History of negotiations/amendments received

Further information was submitted with regards to matters of noise.

Relevant Planning History

2008/93380 – outline application for B1 business units – approved

2012/91320 – outline application for 5 no. mixed use B1 and A1 units - approved

2015/90510 – reserved matters application (following the 2012/91320 outline pp) – approved

2015/93708 – variation of condition 16 (deliveries & dispatches) on application 2012/91320 to allow 7am – 10pm Mon – Sat, and 9am – 9pm Sundays & Bank Holidays – approved.

2015/93999 – alterations to shop front and car park layout for Unit 1 – approved

2017/90481 – Change of use of units 2 and 3 to A1 and A3 uses, external alterations to units 2 and 3, revised access, parking and landscaping layout and erection of substation – approved

2017/92316 – Advertisement consent – pending consideration

Representations

Final publicity date Expires: Site notice expired 25th August 2017; Neighbour Notifications expired 21st August 2017

7 objections have been received.

A summary of the comments received is set out below:

- Noise
- Smell
- Light
- Impact on wildlife
- Loss of privacy & amenity (relates to previous application 2017/90481)

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Environmental Services: No objection subject to conditions

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending

the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design principles
- BE2 – Quality of design
- EP4 – Noise and amenity
- T10 – Highway Safety
- S1 – Town Centres/Local Centres shopping

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 Sustainable development
- PLP 24 Design
- PLP 52 Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, 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 7 – Requiring good design
- Chapter 1 – Building a strong, competitive economy
- Chapter 2 – Ensuring the vitality of town centres

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Representations
- 5) Conclusion

1. Principle

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

Policies BE1 and BE2 seek to ensure that all development is of good quality design, creating & retaining a sense of local identity, is visually attractive, promotes a healthy environment and is energy efficient. They also stipulate that new development should be designed to be in-keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass, and that the topography of the site is taken into account and satisfactory access can be obtained, and existing and proposed landscape features are incorporated as an integral part of the proposal.

Subject to compliance with the above policies the proposal is in principle acceptable.

2. Impact on visual amenity

The proposal incorporates the addition of air conditioning units at near ground floor level and grilles within the wall to the rear elevation of the unit. These are set within the site away from the boundary to the rear.

The development is located to the rear of the existing building where public access is limited. However it is acknowledged that there are residential properties to the rear that have views into the site. There is a service road to the rear of the units.

Taking into account the character and use of the site and building in addition to the location of the works it is considered that the proposals involved are not considered to detract from the character or appearance of the host building or surrounding area. The conditioning units are at ground floor level and as such screened by existing fencing. The grilles are a minor addition to an existing commercial building..

Taking into account the location of development it is considered that there will be no significant adverse impacts in terms of visual amenity and as such the proposals are considered to be in accordance with Policies D2, BE1 and BE2 of the UDP.

3. Impact on residential amenity

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the Unitary Development Plan stipulates that development should protect the residential amenity of neighbouring residential properties.

The nearest residential properties are located to the rear of the site on Ashby Close, to the north east and on opposite side of Huddersfield Road. KC Environmental Services (Pollution and Noise Control) have been consulted and made recommendations in respect of the potential for nuisance as a consequence of the conditioning units and recommended further information be submitted to ensure that the development could be carried out without

detrimentally impacting on any nearby occupant. Further information was submitted in response to concerns which has been further assessed by Environmental Health. Their comments are outlined as follows:

A noise report has now been submitted (Noise.co.uk dated 19-09-17, Ref: 18213-1), and I have reviewed this report and accept its findings that the noise from the proposed extract grilles and A/C units can be controlled to not cause issues at nearby properties. However to do this inline silencer/s will need to be installed as per the recommendations in the report.

As such a condition is recommended to ensure the amenity of nearby residents is protected. As such the works would not result in any detriment to any nearby occupant in accordance with Policies D2 and EP4 of the Kirklees Unitary Development Plan and Policy PLP 52 of the Publication Draft Local Plan.

4 – Impact on highway safety:

The application site occupies a location within an existing commercial park. It is not considered that the proposals will result in any impact on matters of access or highway safety. The service road to the rear remains unaffected. As such, no adverse highway or pedestrian safety implications are foreseen, compliant with Policy T10 of the UDP.

5 – Representations:

Noise

Response: The application proposals have been examined by Environmental health and further information/assessment considered. The development proposed is considered acceptable and would not result in any loss of amenity to any nearby occupants.

Smell

Response: The application proposals have been examined by KC Environmental Health. The development proposed is considered acceptable and would not result in any loss of amenity to any nearby occupants.

Light

Response: The application proposals have been examined by KC Environmental Health. The development proposed is considered acceptable and would not result in any loss of amenity to any nearby occupants. Matters regarding advertisement are assessed under another submission.

Impact on wildlife

Response: It is not considered that the works will result in any detriment to matters of ecology and wildlife.

Loss of privacy & amenity (relates to previous application 2017/90481)

Response: The matters raised relate to a previous submission and cannot be reconsidered as part of this application. It is not considered that the works proposed under this submission will result in any loss of amenity or privacy for the reasons set out within the above assessment.

6 – Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2017/92315

Officer Recommendation:

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy D2 of the Kirklees Unitary Development Plan.

3. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated 19-09-17 produced by Noise.co.uk :-

I. shall be completed; and

II. written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted to and approved in writing by the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of the nearest 8 residential properties and to accord with Policy EP4 of the Kirklees Unitary Development Plan, Policy PLP 52 of the Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	K16/5991/01d		5th July 2017
Proposed elevations	RPEN/S4904/06		5th July 2017
Proposed sections	RPEN/S4904/05		5th July 2017
Existing sections & elevations	RPEN/S4904/02		5th July 2017
Proposed site layout	K11/5407/19a		5th July 2017

Plan Type	Reference	Version	Date Received
Air conditioning systems information			5th July 2017
Noise assessment			22nd September 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information was received in respect of noise assessment. This was considered as part of the application. The details submitted are considered acceptable.

Report Dated:

20/12/17