

**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: 2020/62/93574/E

Site Address: Howarth Timber Hirst Mills, Hirst Road, Dewsbury,
WF13 2AF

Description: Installation of replacement plant extraction system

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 05-Feb-2021

Officer Report

Site Description

The application site comprises several industrial buildings currently occupied by a business known as Howarth Timber. These buildings are constructed with stone and metal sheeting. There is a yard immediately adjacent to these buildings for car parking and storing timber. The boundary treatments comprise a mix of timber fences and stone walls.

On the opposite side of Hirst Road is a timber yard associated with Howarth Timber as well. Hirst Road is commercial in character, with a mix of warehouses, light industrial units, and workshops. The buildings on Hirst Road are of varied scale and materials.

Description of Proposal

Planning permission is sought for installation of replacement plant extract system. Details of this development are available to view in the application documents.

History of negotiations/amendments received

The noise report was revised to address the concerns raised by the Environmental Health Service in the initial consultation response. No further amendments or details were sought thereafter.

Relevant Planning History

2020/92101 – Erection of replacement fence to timber yard boundary (Hirst Mills) – Approved

Representations

This application was publicised by neighbour letter, which expired on 07-Jan-2021. Following this publicity, no representations have been received.

Consultation Responses

KC Environmental Health Service – no objection subject to three conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application seeks to install a timber machining and sawdust extraction unit to support the operations of the established industrial business on site. As such, the principle of development should be considered favourably in respect of chapter 6 of the NPPF, which requires that Local Planning Authorities should help create the conditions in which businesses can invest, expand, and adapt. The current scheme complies with this aim and should be supported.

2 – Impact on visual amenity:

The proposal is for installation of a modest sized plant extraction system immediately adjacent to an existing industrial building. There are no issues with the size, design, and materials of this machinery. It would be in-keeping with the prevailing industrial character of the site and its surroundings. The development concerned is acceptable from a visual amenity perspective and compliant with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Whilst the site is already occupied by an existing industrial business, the installation of an additional plant extraction system could potentially increase the impact of noise and disturbance on the occupiers of the houses on Carlton Road.

The applicant submitted a noise report in support of this application. This report was subsequently revised in the light of initial comments made by the Council's Environmental Health Officer. The assessment and mitigation measures contained in the revised report were considered satisfactory from an environmental health perspective. Subject to all measures being adopted in accordance with the noise report, the Environmental Health Service confirms this development is acceptable in residential amenity terms. It accords with policies LP24 and LP52 of the KLP and chapter 15 of the NPPF.

4 – Impact on highway safety:

The proposal would neither intensify the current use of the industrial buildings, nor would it affect the parking arrangement of the site. No highway safety and parking issues would arise from this development. It is consistent with policies LP21 and LP22 of the KLP.

5 – Other matters:

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been

incorporated into the formulation of Local Plan policies. The Local Plan 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.

The proposal is for minor development within an existing industrial site. As such, no specific measures are required in terms of the planning application with regards to carbon emissions.

Contaminated land

The site is in the vicinity of a historic landfill, according to the Council's mapping system. However, given the scale and nature of this development, officers consider that there is no unacceptable risk in terms of land contamination. The development proposal would be consistent with policy LP53 of the KLP and chapter 15 of the NPPF.

Ecology

The site is located within a bat alert layer. Based on the site visit observations, there appeared to be no evidence of bat roosts, nor was any bat roost potential identified. A footnote has been added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received following the statutory publicity.

7 – 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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/93574

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in part 2.2 and 3.4 of Noise Impact Assessment by Nova Acoustics dated 27 Jan 2021 (ref: 4602HT – RevA) shall be completed and maintained thereafter.

Reason: In the interest of residential amenity and to avoid harm to the living conditions of the neighbouring occupiers living on Carlton Street by reason of noise and disturbance, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. The combined noise from the plant extraction system and machinery associated with it shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The plant extraction system and machinery associated with it hereby approved shall not be operated outside the hours of 07:00 and 23:00 on any day.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed elevations	2075.021	A	26-Nov-2020
Existing floor plans and elevations	2075.003		26-Nov-2020
Existing site plan	2075.020		26-Nov-2020
Proposed site plan	2075.020		26-Nov-2020
Site ownership	2075.001		26-Nov-2020
Location plan			26-Nov-2020
Noise Assessment	4602HT	A	01-Feb-2021

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 has, 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.

In this case, the noise report was revised to address the concerns raised by the Environmental Health Service in the initial consultation response. No further amendments or details were sought thereafter.

Report Dated: 04-Feb-2021

