

**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: 2021/62/90714/W

Site Address: Salus House, Dyson Wood Way, Bradley,
Huddersfield, HD2 1GN

Description: Change of use from office (Class E) to independently
registered school (Class F1) for children between 7-16
years old

Recommending Officer: Katie Chew

DECISION – Full Conditional 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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 25-Jun-2021

Officer Report

Site Description

Salus House, Dyson Wood Way, Bradley, Huddersfield, HD2 1GN

The application site relates to an existing vacant three storey office block (Class E), the office has been known to be vacant since 20th February 2019. The site is located within Bradley Business Park which forms part of a Priority Employment Area within the Kirklees Local Plan. The site is accessed to the north off Dyson Wood Way, which is an adopted road, and comprises of an existing car park which has a capacity for 35 vehicles. To the north of the site are residential dwellings, with other business uses being located to the east, south and west of the site.

The site is not located within a Conservation Area and there are no Listed Buildings in close proximity.

Description of Proposal

The application seeks permission for change of use from office (Class E) to independently registered school (Class F1) for children between 7-16 years old. The applicant has stated that the maximum number of children on site at any time would be 50, although it is more likely that there would be around 25-30 pupils on site, along with 10-15 staff members due to many pupils attending part time. A number of pupils will arrive at the school on public transport or in shared taxi's.

No external changes have been applied for within this application.

History of negotiations/amendments received

Additional information was requested by Highways and Environmental Health officers in respect to noise and number of children who will attend the proposed school and the anticipated traffic generation. The applicant's agent provided additional information via email and through a Noise Impact Assessment.

Relevant Planning History

2004/93285 – Erection of 3 storey office building. Approved 22nd October 2004.

2002/93548 – Development of Bradley Road business park for B1 use on the upper plateau including site access/infrastructure and levelling works, flow-balancing works and off-site infrastructure works to allow development of the remainder of the site. Approved 13th March 2003.

2000/92152 – Outline application for Class B1 business use, construction of access road and associated engineering works. Approved 20th October 2000.

Representations

Final publicity date expires:

Neighbour Letters – Expired 29th April 2021.

No representations have been received to date.

Officer note: The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above.

Consultation Responses

KC Environmental Health – Comments received 11th May 2021. No objections although additional information is requested prior to determination of the application in respect to noise.

Officer note: Following receipt of the Environmental Noise Impact Assessment from the applicant's agent, the Council's Environmental Health officer raises no objections subject to conditions.

KC Highways Development Management – Comments received 22nd April 2021. Highways request additional information to be submitted in respect to the total number of children who will attend the proposed school and the anticipated traffic generation. It should also be confirmed when the peak drop off and pick up time will be for the children and the anticipated numbers.

Officer note: Following receipt of additional details in respect to the amount of children on site and peak drop off/pick up times, Highways raise no objections to the proposals subject to a condition which restricts the number of children at the school to 50.

DOCO – Comments received 13th April 2021. No objections in principle to the application although recommendations are provided to the applicant to benefit the security and safety of the site users.

KC Education (informal) – Comments received 23rd June 2021. Supportive of the proposals.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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).

The application site is allocated as a Priority Employment Area in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP8 – Safeguarding Employment Land and Premises**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP49 – Educational and Health Care Needs**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of 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) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong and competitive economy
- Chapter 8 – Promoting healthy and Safe Communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Other Guidance

- National Design Guide

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

Location –

As the proposed use would be for an independently registered school (Use Class F1), this is not a use deemed to be a “main town centre use” within the glossary of the National Planning Policy Framework, therefore the out of centre location is not problematic and the need for a sequential test does not arise.

Priority Employment Area -

The application site is situated within a Priority Employment Area on the Kirklees Local Plan; therefore, the proposal has to be considered against Local Planning Policy LP8. This policy outlines that proposals within Priority Employment Areas for redevelopment resulting in a non-employment generating use, or for the conversion or change of use of sites and premises in use or last used for employment will only be support where:

- a. It can be demonstrated that the site or premises are no longer capable of employment use; and
- a. The proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

As stated within the submitted application forms, the unit has been vacant since February 2019. From a quick internet search details were found of Salus House being advertised as office space, under offer, and on a number of different websites. As the site is still vacant and is located in an area which is most suited to a business use of this description, it is considered reasonable to assume that the current demand for this type of premises is limited. However, it is noted that the proposed use would lead to the creation of up to 20 new jobs for staff members and therefore would provide some provision towards the generation of employment use at the site.

In respect to part (b) of LP8, given the nature of Bradley Business Park (for B1 uses) and the sites location adjacent to residential dwellings the proposals are considered to be compatible and would not impact upon the continued

use of neighbouring land for employment. In addition, Environmental Health have been consulted on the proposals and raised no concerns.

Proposed use -

Policy LP49 of the Kirklees Local Plan states that proposals for new or enhanced education facilities will be permitted where they (a) meet an identified deficiency in provision, (b) the scale, range, quality and accessibility of education facilities are improved and (c) they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport. This policy coincides with paragraph 94 criteria (a) of the NPPF which states that Local Planning Authorities should attach great weight to the need to create, expand or alter schools through the decisions on applications. Given the nature of the proposals the Council's Education team were consulted. They stated that *'Pivot (applicants) hold a contract with Kirklees Council to provide specialist education places to meet the need of some Kirklees pupils. They and other 'alternative provision' providers are important to ensure the right services are available in the local area. It is important that providers like Pivot have the facilities available to them to meet the needs of the children that attend their provision, ensuring children have the best start in life and can aspire and achieve and we do support Pivot's plans to create additional space at Salus House, in order to educate children and young people with additional needs.'*

These points are noted and it is considered that the proposal would accord with the requirements of Policy LP49.

For the aforementioned reasons, the principle of development is therefore considered to be acceptable and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity and future and neighbouring occupiers'.

Regarding visual amenity the proposal seeks a simple change of use and no external changes have been proposed within this application. It is therefore considered that the proposed change of use would not harm the visual amenity of the area and accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

‘proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary’.

Residential dwellings are located to the north and north west of the application site. As no external changes are proposed it is considered that there are no concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature. The main concern would be in respect to noise. The Council's Environmental Health officers were consulted on the proposals and requested additional information in regards to the impact of noise on these adjacent neighbouring dwellings. An Environmental Noise Impact Assessment was submitted to the Council in which the Environmental Health team raise no objections subject to conditions relating to hours of use, and noise from fixed plant and equipment, these are all in the interests of residential amenity.

In conclusion, subject to conditions the proposal does not give rise to any adverse impacts upon neighbouring residential amenity, and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The application site comprises of a car park with availability for 35 vehicles. Given the nature of the proposals the Council's highways officers were consulted, they raise no objections to the scheme given the small number of children anticipated to attend the school. Highways did however request a condition which restricts the total number of children attending the school to 50.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small scale of the proposed development (in that the proposal is for a change of use), it is considered that the proposed development would not have an impact on climate change and therefore would comply with policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/90714

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.

1. 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 with Policy LP24 of the Kirklees Local Plan.

2. The use hereby permitted shall provide facilities for a maximum of 50 children at any one time.

Reason: In the interest of the protection of residential amenity and highway safety to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

3. The use hereby permitted shall not be open outside the hours of –

- 07:00 hours to 18:00 hours Monday to Friday,
- And at no time on Saturday or Sunday

And there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries to, or dispatches from the premises shall take place on Bank Holidays.

Reason: To ensure that the proposed use 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.

4. The combined noise from any fixed mechanical services and external plant and equipment 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.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 08:00 to 18:00 hours Monday to Fridays
- 08:00 to 13:00 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	20603_P101	-	22 nd February 2021
Environmental Noise Impact Assessment – Supporting Information	ADT 3219/ENIA	A	28 th May 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 have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional information was requested by Highways and Environmental Health officers in respect to noise and number of children who will attend the proposed school and the anticipated traffic generation. The applicant's agent provided additional information via email and through a Noise Impact Assessment.

Report Dated:

23/06/2021