

**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: 2021/62/91270/E
Site Address: 30, Leeds Road, Dewsbury, WF12 7BG
Description: Change of use from dwelling (C3) to offices (Class E)
Recommending Officer: Ian Lunn

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: 23rd September 2021

Officer Report

Site Description

30 Leeds Road is a detached two-storey building constructed from a combination of natural stone and stone rendered blockwork, for the external walls, under a grey flat profile concrete tile roof. It is located approximately 110 metres to the north-east of the junction of Dewsbury Ring Road and Leeds Road, in a largely residential area that lies on the edge of Dewsbury Town Centre. The building is currently vacant but is understood to have last been used as a single dwelling. It lies within the built-up area of Dewsbury on land that is unallocated in the Council's adopted Development Plan.

Description of Proposal

Planning permission is sought to change the use of the building from a dwelling (Class C3) to offices (Class E). No external alterations are proposed as part of this proposal.

History of negotiations/amendments received

None.

Relevant Planning History

2009/91239 – Change of use from B1 (Business) to D1 (Non-residential Institution) – Approved 01/07/09

2014/91577 - Change of use from D1 (non-residential institution) to C3 (Dwelling House) – Approved 11/07/14

Representations

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties. These were posted on 24th May 2021 giving 35 days to comment (14 days more than the normal 21 days in this instance due to current Covid restrictions). The publicity period has now expired, and no representations have since been received.

The agent has submitted a Planning Statement in support of the proposal in which they state that:

- a) an office use is appropriate for this building. This is a sustainable location, and the building has previously been used for this purpose,
- a) the proposed development will be acceptable in highway safety terms. There is adequate space within the site for the associated parking of vehicles. It will also be possible for vehicles to

satisfactorily turn around within the site and subsequently enter Leeds Road in a forward gear,

- b) the proposal will bring a building that has been vacant for some time back into productive use,
- c) bringing the building back into use will improve security on the site,
- d) the development will not significantly impact upon local services.

Consultation Responses

KC Highways DM: No objections, subject to conditions

KC Environmental Health: No objections, but suggest conditions imposed limiting the hours of operation and construction of the development and requiring the provision of electric vehicle charging points.

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 in the Kirklees Local Plan (KLP) proposals map.

Kirklees Local Plan:

LP1 Presumption in favour of sustainable development
LP2 Place Shaping
LP3 Location of New Development
LP7 Efficient and effective use of land and buildings
LP9 Supporting Skilled and Flexible Communities and Workforce
LP20 Sustainable Travel
LP21 Highways and Access
LP22 Parking
LP24 Design
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP33 Trees
LP47 Healthy, Active and Safe Lifestyles
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) published 20 July 2021, 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 8	Promoting Healthy and Safe Communities
Chapter 9	Promoting Sustainable Transport
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
Chapter 15	Conserving and Enhancing the Natural Environment

Other

Highway Design Guide SPD (2019)

Assessment

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Highway Safety
- 5) Tree Issues

Principle

The proposal is considered acceptable in principle in this instance, as:

- a) this is a comparatively small-scale development that will create just 60 square metres of new office space,
- a) development of this nature is normally considered appropriate within a largely residential area such as this, provided that the office use is limited to one that carries out operational and/or administrative functions rather than one that primarily serves visiting members of the public (see Part (g) (i and c) of Class E of the amended Use Classes Order). A condition to ensure this is recommended.
- b) the proposal is considered sustainable insofar as it seeks the re-use of an existing building that is located within the main built-up area of

Dewsbury on the edge of the Town Centre and directly on a bus route.

In view of the above, subject to a condition limiting the way in which the building can be used, the proposal is considered acceptable in pure planning policy terms meeting the requirements of policies LP1, LP20 of the KLP and chapters 2 and 9 of the NPPF in this regard.

Visual Amenity

No external alterations are proposed to the building as part of this proposal and consequently the development will have no impact upon the appearance of the surrounding area. It is, therefore, considered to be acceptable in visual amenity terms, reasonably satisfying the requirements of policy LP24 of the KLP and chapters 12 and 15 of the NPPF in this regard.

Neighbour Amenity

a) Light

The building is screened to the north-east and south-east by a substantial belt of trees and stands some 28 metres away from the nearest adjoining property. Furthermore, as indicated above, it is not proposed to enlarge it in any way as part of the proposal. The development will, therefore, not have an adverse effect upon the level of light currently received by the occupiers of any of the surrounding properties.

a) Overlooking

The proposal will not give rise to any issues of overlooking. All windows within the building will either directly face the adjoining trees, the car park associated with the development, or Leeds Road itself (with the nearest property thereafter, 15 Leeds Road, being some 30 metres away on the opposite side of that highway).

b) Overdevelopment

The proposal will not lead to any enlargement of the building or to any land within its grounds being built upon. As such, it is considered that it will not lead to the overdevelopment of the site.

c) Noise

It is envisaged that the proposal will not generate sufficient noise to unduly disturb surrounding local residents. This is because:

- a) this will be a relatively small-scale development, housed within a building having less than 60 square metres of floor space,

- a) 'administrative' offices of this nature do not normally generate significant levels of noise,
- b) this site is well-screened on two sides by a substantial belt of trees, and this would act as a barrier to noise,
- c) the business is to operate at what are considered reasonable times of the day namely 9am to 9pm Monday to Friday, and 8am to 9pm on Saturdays and Sundays.

In coming to this view, consideration has also been given to the fact that traffic using Leeds Road itself is already likely to be generating some noise in the area.

The proposal was considered by the Council's Environmental Health Service, which accepted that it is unlikely to generate significant levels of noise. It has, however, requested a condition requiring the hours of operation of the building to be limited to those outlined in (d) above. This has been considered but, given that uses of this nature do not normally generate significant levels of noise, given the relatively modest scale of this development, and given the position of the premises in relation to surrounding properties, a restriction of this nature is considered unnecessary in this instance.

Environmental Health also requested a condition controlling the hours of construction of the development. However, given that the proposal is unlikely to involve significant construction works, that the building is well screened on two sides by trees (which would help to reduce sound transmission) and the comparatively modest scale of the development, a restriction of this nature is also considered unnecessary in this instance.

In view of the above it is considered that the development is unlikely to have an unduly adverse effect upon the amenities currently enjoyed by the occupiers of the surrounding properties. It is, therefore, considered that it will reasonably meet the requirements of policies LP24 and LP52 of the KLP and chapter 15 of the NPPF in neighbour amenity terms.

Highway Safety

The premises currently benefit from a hard-surfaced car parking area, which is located to the immediate south-west of the building. This is not currently laid out for parking and will need to be cleared of vegetation to render it fully usable. However, the agent considers that once these works are completed it will reasonably accommodate four 'off-street' car parking spaces, along with a satisfactory associated 'on-site' turning space. The existing vehicular access from Leeds Road is to be used to serve the new development.

These arrangements have been assessed and are considered acceptable in principle. Four parking spaces are considered sufficient to serve a development of this scale and nature; it is considered possible to provide satisfactory associated 'on-site' turning space within the site; and the existing

vehicular access will, it is considered, allow vehicles safe access to and from Leeds Road. However, the agent has not supplied any details of the proposed layout of the parking area or of the proposed position of any associated refuse storage. In order, therefore, to ensure that the scheme is wholly acceptable in highway safety terms, it is recommended that details of these are required to be submitted by condition. The proposal has been considered by the Council's Highways Service who raised no objections and supported this approach.

In view of the above, and subject to the imposition of a condition of this nature, it is considered that the proposal will be acceptable in highway safety terms, reasonably satisfying the requirements of policies LP21 and LP22 of the KLP and of the Highway Design Guide SPD (2019) in this regard.

Tree Issues

The site is enclosed on two sides by mature trees. However, the proposed works are, at best, only likely to involve the clearing of some vegetation and the re-surfacing of the adjoining car park. Consequently, it is envisaged that those trees will not be significantly affected by the proposal. On this basis, it is considered that the scheme will reasonably meet the requirements of policy LP33 of the KLP in this regard

Conclusion

The proposal is for a form of sustainable development that is considered compatible with this largely residential area and, therefore, is acceptable in principle. Furthermore, it is considered that it will reasonably safeguard the visual amenity of the area, the amenities of surrounding properties, adjoining trees and highway safety. The proposal is, therefore, considered to be in accordance with the requirements of policies LP1, LP2, LP3, LP7, LP9, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP47, LP51 and LP52 of the KLP, chapters 2, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and the provisions of the Highway Design Guide SPD (2019).

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/91270

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 with Policies LP1, LP2, LP3, LP7, LP9, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP47, LP51 and LP52 of the Kirklees Local Plan (2019), Chapters 2, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and the provisions of the Highway Design Guide SPD (2019).

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, the building shall be used solely as offices as defined by Class E(g)(i) of that Order and for no other purpose whatsoever including any other purpose within that Class.

Reason: To enable the Local Planning Authority to retain a degree of control over the use of the building as other uses within Class E may not be considered appropriate here for planning policy, highway safety and/or neighbour amenity reasons.

4. Details of the proposed layout of the car parking area shall be submitted to the Local Planning Authority for its written approval. These details shall include the means of surfacing of that area, a dedicated area for the storage of refuse and measures to ensure that surface water does not drain onto the adjoining highway. The approved scheme shall be completed in full, including the marking out of the approved parking spaces and the construction of the refuse storage area, before the offices hereby approved are first occupied. It shall, thereafter, be retained at all times, solely for the parking and circulation of vehicles in conjunction with that development, to allow those vehicles access to and from the site, and for the storage of refuse.

Reason: In the interests of visual amenity and highway safety, in accordance with the requirements of Policies LP21, LP22 and LP24 of the Kirklees Local Plan (2019), Chapters 12 and 15 of the National Planning Policy Framework and the provisions of the Highway Design Guide SPD (2019).

5. A scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial vehicle parking spaces.

The approved scheme shall be completed in full before the approved offices are first occupied and, thereafter, shall be satisfactorily retained at all times.

Reason: In the interests of securing sustainable development and air quality enhancement in accordance with the requirements of Policies LP20, LP24, LP47 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

NOTE: To safeguard nearby residential properties from excessive construction noise at certain times of the day it is recommended that any noisy construction activities are limited to between the hours of: 07.30 to 18.30 hours, Mondays to Fridays, 08.00 to 13.00 hours, Saturdays, with no noisy activities on Sundays or Public Holidays.

NOTE: For your information 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 Section 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.

NOTE: A Standard electric vehicle charging point is one which can provide a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however, more likely to be futureproof

- At non-residential developments, the requirement for one standard electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	MWLA-MWA-XX-XX-DR-A-0001	P1	12/04/21
Topographical Survey	K14/666/01		12/04/21
Existing Floor Plans	MWLR-MWA-XX-ZZ-DR-A-0004	P1	20/05/21
Existing Elevations	K14/666/04		12/04/21
Proposed Floor Plans	MWLR-MWA-XX-ZZ-DR-A-0002	P1	20/05/21

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 agent in dealing with the application.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas

and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Report Dated:

14.09.21