

**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:	2021/62/94137/E
Site Address:	Dewsbury And District Hospital, Staincliffe Wing, Halifax Road, Dewsbury, WF13 4HS
Description:	Erection of air handling unit with plant room enclosure
Recommending Officer:	Lyle Robinson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 18th March 2022

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Officer Report

Site Description

The application site relates to the Staincliffe Wing at Dewsbury and District General Hospital, an NHS hospital in the north of the settlement of Dewsbury.

Description of Proposal

This is a full application for planning permission for a proposed new Air Handling Unit Plant Room enclosure to existing courtyard to the Staincliffe Wing.

History of negotiations/amendments received

This planning application has been assessed on the basis of the drawings originally submitted with the current application.

Relevant Planning History

2006/91564 ERECTION OF 2 STOREY EXTENSION TO PATHOLOGY DEPARTMENT, SINGLE STOREY ARCHIVE BUILDING AND SINGLE STOREY TEMPORARY LABORATORY *Refused 13/JUN/2006*

2006/92831 ERECTION OF TWO STOREY EXTENSION TO PATHOLOGY DEPARTMENT *Approved 08/SEP/2006*

2007/94569 ERECTION OF SINGLE STOREY EXTENSION TO ENDOSCOPY UNIT *Approved 02/JAN/2008*

2009/92914 Erection of extensions to existing Ridings building and associated car park *Approved 14/JAN/2010*

Representations

Publicity is being taken in accordance with statutory requirements. There are no adjoining residential properties but in this instance 2no. site notices were affixed nearby with an expiry date of 9th December 2021.

Consultation Responses

KC Environmental Health – no objection subject to condition

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.

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 52** – 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 20th 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 11 – Making effective use of land
- • Chapter 12 – Achieving well-designed places

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/Planning Balance

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 (KLP). This policy stipulates that proposals that accord with policies in the KLP 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 site is unallocated in the Kirklees Local Plan.

This is an application for operational development in connection with a hospital within a settlement boundary. This type of development is acceptable in this

location subject to the satisfactory taking into account of relevant material considerations.

2 – Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed design is considered to be acceptable in respect of the character of the area. The resultant air handling unit would not be visible from public vantage points or the public realm. The addition of the unit in the context of the building itself, a utilitarian appearance hospital building, would not read as an out of keeping element and would be acceptable as relatively minor operational development.

The development therefore would also be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The operational development or the use thereof once complete is not considered to precipitate any noise, overlooking or activity associated with its use which would cause undue disturbance to residential amenity in the wider area. Ample space would be retained from the proposed air handling unit to the nearest residential property.

It is important to ensure that the resultant unit is acceptable in terms of its impact on amenity to service users of this public hospital as well as to the surrounding local environment from a noise perspective. Should the application be approved, it is recommended to attach a condition requiring the submission of a noise impact assessment.

The development would therefore be acceptable in residential amenity terms and would accord with policy LP24 of the KLP.

4 – Impact on highway safety:

There would be no material highways implications or impacts on the road network arising as a result of implementation of this development proposal.

The development therefore is concerned to be acceptable in terms of highway safety and parking and inconsistent 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 an air handling unit to a building in hospital use. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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: 2021/94137

Officer Recommendation: Approve

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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 Policies LP 21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Before installation/development work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:-

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of 10-12 Longlands Rd, Dewsbury, WF13 4AB and 81-93 Healds Rd, Dewsbury WF13 4HY
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure the development hereby permitted is acceptable from a noise impact amenity perspective and to comply with policies LP24 and LP52 of the Kirklees Local Plan.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan	[90] 01		17/SEP/2021
Proposed Roof Plant Domestic Drainage	001	T1	01/NOV/2021
Proposed Roof Plant Room CT Heating Cooling Layout	001	T1	01/NOV/2021
Proposed Roof Plant Room Ventilation	002	T1	01/NOV/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.

