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:	**2022/62/94109/W**
Site Address:	Technology House, Dyson Wood Way, Bradley, Huddersfield, HD2 1GN
Description:	Change of use from technical development/storage/office to E(g)(ii) (research and development) , E(g) (iii) (industrial processes), B2 (general industry) or B8 (storage and distribution) uses
Recommending Officer:	William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 20th March 2023

Officer Report 2022/94109
Technology House, Dyson Wood Way, Bradley, Huddersfield

Site Description

The site comprises a large, modern, commercial building and associated land. It is up to two storeys in height (although it appears that the area is partly open-plan with a mezzanine), faced in brick and artificial cladding, and with a shallow dual-pitched roof. It is accessed via Alexandra Court, an unadopted spur leading north off Dyson Wood Way and is placed north-west of the head of the cul-de-sac. The spur also serves three more recently-erected commercial units, to the east, and one to the west (that is, to the south of the building now under consideration).

To the north, the site is bounded by Bradley Road. There is a gentle upward gradient from Dyson Wood Way to Bradley Road with some semi-natural vegetation and banking along the Bradley Road boundary.

The hard-surfaced land immediately to the south of the building consists of car parking. A service road extends around the eastern side of the building providing service access to the rear.

Description of Proposal

The proposal is for change of use from technical development/storage/office to E(g)(ii) (research and development), E(g) (iii) (industrial processes), B2 (general industry) or B8 (storage and distribution) uses.

No external alterations either to the building itself or the access to the site are proposed.

According to the applicant's supporting statement:

- The building offers around 907sqm of floorspace.

- The building's first use was by an Electrical & Mechanical Building Services Contractor who occupied the building from completion until 2012. For this occupier the premises were used as offices, a training facility, materials store, a fabrication workshop and for plant and equipment storage.

- It was then a photocopier / office equipment sales, repair and maintenance use, which has the general character of a light industrial use- but is likely a "sui generis" combination of uses.

- The building was most recently occupied by CopyMark, who vacated the building in September 2021.

History of negotiations/amendments received

None.

Relevant Planning History

2009/93495 – Erection of technical development / storage area with 2-storey office, associated parking and site access. Approved and implemented.

2021/94367 – Change of use from technical development / storage area with 2-storey office, to campervan maintenance and repair, retail and office use. Withdrawn.

Representations

Final publicity date expires: 15-Feb-2023 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order)

No representations received.

Consultation Responses

KC Highways Development Management – No objection.

KC Environmental Health – No objection subject to conditions.

Policy

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 site is within a Priority Employment Area on the Local Plan proposals map.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 8:** Safeguarding employment land and premises
- **LP13:** Town Centres
- **LP 20:** Sustainable transport

- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 30:** Biodiversity and geodiversity
- **LP52:** pollution

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in G:\Planning\SPDs & Guidance Notes.

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 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- 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 (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: The site is within land designated as a Priority Employment Area on the Local Plan proposals map. Policy LP8 states that within such areas, proposals to develop or redevelop for employment-generating uses will be supported where there is no conflict with established employment uses.

The three adjacent mixed-use units off Alexandra Court were approved under three separate permissions in 2020 and 2021. The permissions for the two

units east of Alexandra Court were subject to a condition that general office use, E(g)(i) (other than as ancillary or incidental to the main uses) would not be permitted. Such a condition was not imposed for the unit to the south (2021/91948).

The existing use, as set out in the description to application 2009/93495, could be described as a either a mixed or sui generis use, containing elements of the former B1 and B8 uses (under the old Use Classes Order).

There is inevitably some uncertainty about the precise use or mix of uses that would be carried on at the premises in the event of it receiving planning permission. It would allow the building to be used for any, or all, of the following uses:

- E(g)(ii) Research and development of products or processes
- E(g) (iii) ('light' industrial processes),
- B2 General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- B8 Storage or distribution - This class includes open air storage.

It is considered however that the proposed new use would, subject to an assessment of amenity and highway safety issues, not present any problems of compatibility with surrounding employment-generating uses.

The site is located close to where employment uses give way to residential. Immediately to the west of the site, and to the north on the opposite side of Bradley Road, the land consists of residential uses. Any impact upon the occupants of these dwellings will be given due consideration having regard to the aims of LP24 and LP52. Any implications for access and parking will be considered, as required by LP21-22.

2 –Impact on visual amenity: Since the proposal is a change of use only with no building or other external works, it would have no implications for visual amenity.

3 – Impact on residential amenity: Consideration will need to be given to any noise emitted from the site as it could affect noise-sensitive premises in the vicinity of the site. The applicant has submitted a Noise Impact Assessment from SLR dated December 2022 Ref 403.000017.00001 which considers the impact of the proposed use of the site. It assesses the impact of noise and considers the typical use including movement of HGVs along the access route with forklifts used in the external loading bays, external plant and equipment, the use of car parking areas and noise breakout from the building.

There is a level of uncertainty in the operation of the site but based upon typical and reasonable use, noise is unlikely to occur at volumes sufficient to cause loss of amenity. However, a prescriptive condition is recommended to

control any mechanical plant noise to ensure there is no loss of amenity to neighbouring occupiers.

The Environmental Health Officer has also recommended that a condition is imposed to limit emissions from construction-related activities. The case officer considers this to be unnecessary since no new build or engineering operations form part of the proposal.

However, it is considered reasonable that there should be limitations on the hours of use, not just for customers but for wider operations and deliveries and dispatches. It is recommended that no activities (including deliveries to and dispatches from the site) shall be carried out on site outside the hours of:

- 0800hrs to 2000hrs Monday to Friday
- 0800hrs to 1800hrs Saturday
- 1000hrs to 1600hrs Sunday and Bank Holidays,

Subject to these conditions it is considered it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b) and Policy LP52 of the Local Plan.

4 – Impact on highway safety: The application has been accompanied with a Highways Technical Note from Fore Consulting dated December 22. The proposals are to change the use of the site to increase its potential end users and a TRICS comparison of the expected trips for an existing office use and the proposed industrial use shows that there would be a decrease in trips to the site. Although this could be seen as a reasonable way of predicting trips to the site, it has limitations. The exact end user is not currently known and so the percentage of office use to industrial use cannot be gauged. Furthermore, the previous use was not wholly office use and so the initial figures may over inflate the trips to be discounted.

Notwithstanding this it is considered that the trip rates expected from the change of use would not generate sufficient trips as to have a severe impact on the operation or efficiency of the local highway network.

It would use an existing access and there are no records of injury accidents adjacent to it. It can therefore be assumed that the access is operating safely.

The site has 23 parking spaces, including two accessible spaces and three spaces accessed via the service yard. The application form suggests that the number of employees expected within the building would be 20 and for a workforce of this size, this amount of parking spaces would be acceptable. The Traffic Regulation Orders on both Dyson Wood Way and the spur road would, it is expected, deter on street parking.

Highways Development Management recommend that the applicant considers promoting membership of the West Yorkshire Combined Authority's Travel Plan Network to the final user, so they can benefit from some of the

sustainable offers and guidance that they can provide to businesses. This can be added as an advisory note on the decision notice.

It is assumed that methods of waste collection would be the same as was the case with previous users. Again, depending on the precise mix of uses, waste generation may increase (B2 General Industrial, for instance, is liable to generate more waste than uses in Class E(g)) but given the layout of the site and the nature of the surrounding highway network, this is unlikely to give rise to any storage or disposal problems.

As previously stated, (Section 1), two of the three recent applications for new development off Alexandra Court had a condition limiting the range of uses that could be carried on there. E(g)(i) was not permitted except as ancillary or incidental to the main uses. No such limitation was imposed in the case of 2021/91948; the reasons for this, as set out in the officers' report, were that the ratio of parking spaces to floorspace would be higher than in the other two permissions, and that Highways Development Management had raised no concerns about the possible higher parking demand arising from a purely E(g)(i) use. That development would have provided 817sqm of floorspace and had 18 parking spaces. The unit now being considered is 907sqm and has 23 parking spaces. In terms of parking provision per 100sqm floorspace it is therefore comparable, and Highways Development Management are, once again, satisfied with parking provision, so the planning officers consider that in the circumstances there would be no reason to impose conditions limiting the use to E(g)(ii-iii) only. It is considered that valid planning reasons exist for limiting changes of use within Class E (see section 5 below) but that E(g)(i) use in particular does not provide a cause for concern.

In conclusion, officers are satisfied that the proposed change of use would not give rise to any harmful impacts upon the safe and convenient use of the highway network, and that it would therefore accord with the aims of LP21-22.

5 – Other matters:

Possible future changes of use:
In the event of the building being used solely or mainly for Class E(g) uses, this would open up the theoretical possibility of it being put to other uses within Class E besides those applied for use, including retail and office. In the interests of preventing the proliferation of main town centre uses in an out-of-centre location, and as no sequential test has been submitted to support potential E(g)i (office) uses, these will be specifically restricted in the permission and it is further recommended that a condition be imposed to the effect that only those Class E uses falling within Class E(g)ii and iii be permitted, in addition to Class B uses. This would support the aims of LP13 and Chapter 7 of the NPPF.

Biodiversity:
The site does not occupy land specially designated for biological conservation purposes. Since the proposal is for a change of use only with no new build

and is unlikely to represent a material intensification of the site, it is considered that in the circumstances it would be unreasonable to require ecological enhancements as a condition of granting planning permission.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The proposal is for a change of use that is not likely to significantly intensify the use of the site in terms of vehicular trips. The proposal is therefore deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14, and that it would not be proportionate to seek to secure further measures to limit greenhouse gas emissions.

6 – Representations: No representations were made.

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: 2022/94109

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan.

3. 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 give rise to loss of amenity to
nearby residential properties by reason of noise or disturbance, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and Chapter 15 of the National Planning Policy Framework.

4. No activities shall take place on site outside the hours of:
0800hrs to 2000hrs Monday to Friday
0800hrs to 1800hrs Saturday
1000hrs to 1600hrs Sunday and Bank Holidays,
and there shall be no deliveries to, or dispatches from the premises outside these hours.
Reason: To ensure that the proposed use(s) does not give rise to 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.

5. Notwithstanding the provisions of section 55(2)(f) of the Town and Country Planning Act 1990, the uses of the building / site shall be restricted to those falling within use Classes B2 and B8 of Schedule 1, and use Classes E(g)(ii) and E(g)(iii) of Schedule 2, of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the development does not lead to the proliferation of retail or other main town centre uses in a location outside a defined commercial centre, in order to maintain the vitality and viability of existing commercial centres, and to accord with the aims of Policy LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

NOTE: Highways Development Management recommend that the applicant considers promoting membership of the West Yorkshire Combined Authority's Travel Plan Network to the final user, so they can benefit from some of the sustainable offers and guidance that they can provide to businesses.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			11-Jan-2023
Covering letter			25-Jan-2023
Location and site plan	(0-)-2	C	11-Jan-2023
Highways technical note	Version 1.0		11-Jan-2023
Noise impact assessment	200065		11-Jan-2023
Original approval plans	(0-) 03		11-Jan-2023
Original approval sections	(0-) 04		11-Jan-2023

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. The case officer did not undertake negotiations with the applicant as no amended plans or additional information were considered necessary.

Report dated:

17-Mar-2023