

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:	2023/62/90433/E
Site Address:	Dewsbury And District Hospital, Halifax Road, Dewsbury, WF13 4HS
Description:	Installation of new data centre container to serve the hospital site
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 27.4.23

Error! Filename not specified.

Officer Report

Reference No. 2023/62/90433/E

Site Address: Dewsbury And District Hospital, Halifax Road, Dewsbury, WF13 4HS

Proposal: Installation of new data centre container to serve the hospital site.

Site Description

The application relates to Dewsbury and District Hospital, situated off Halifax Road in Dewsbury. The application site itself is located along the southern boundary of the wider hospital site which contains staff accommodation. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site. Furthermore, the wider area comprises predominately residential and properties.

Description of Proposal

The application seeks planning permission for the installation of a new data centre to the rear of Pickersgill House. The container would have a width of approximately 13.72m, a depth of 3m and an overall height of approx. 3.25m. Furthermore, the structure would single storey in height and would be constructed in powder coated corrugated steel.

Relevant Planning History

2017/91760: Work to TPO(s) 33A/96. [Planning application details | Kirklees Council](#)

2016/90449: Work to TPO(s) 33A/96. [Planning application details | Kirklees Council](#)

2009/92914: Erection of extensions to existing Ridings building and associated car park. [Planning application details | Kirklees Council](#)

2007/94569: Erection of single storey extension to endoscopy unit. [Planning application details | Kirklees Council](#)

2004/93655: Erection of single storey extension of Wood irk House. [Planning application details | Kirklees Council](#)

2000/93009: Erection of extension to x-ray department. [Planning application details | Kirklees Council](#)

Representations

The application was publicised by neighbour notification letters, which expired on 22nd April 2023. As a result of the above publicity, no representations have been received.

Consultation Responses

KC Ecology

The proposed development will have no impacts on ecological receptors therefore, KC Ecology have no objection to this application.

KC Trees

The proposed data centre is to the rear of an existing building and a significant sized tree is present just offsite to the south. The trees in adjacent properties are not protected but do provide some public amenity. The proposals are far enough from the adjacent trees to be unlikely to result in any harm or present a risk to their long term health. Ground work or material storage should not however occur under the canopies of the adjacent trees and to that end a condition would help secure an exclusion zone around adjacent trees. Subject to the condition contained within the decision notice, KC Trees would be happy to record no objection.

KC Environmental Health

The applicant has submitted an e-mail dated 04 April 2023 stating the proposal is for a premanufactured unit to be installed housing the hospitals servers. The unit will require cooling and an accompanying picture shows the installation a condensing unit. Environmental Health have concerns about the noise emission of the fixed mechanical plant affecting the amenity of the neighbouring properties, particularly as it assumed the unit will operate 24/7 as such, a condition is recommended for a Noise Impact Assessment to be submitted.

KC Crime Prevention

Having read the available information, West Yorkshire Police have no objection to the principle of this application in its current form. However, they did request additional information clarifying the security measures. Following the submission of additional security information, KC Crime Prevention considered that these measures would be appropriate for the application and have no further comments.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 4** - Decision-Making
- **Chapter 8** - Promoting Healthy and Safe Communities
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. Furthermore, in terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design.

The proposals would enhance the facilities at the hospital and, as such, are considered compliant with Policy LP49 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Visual amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states: “The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

The proposed data centre would be installed south of the existing hospital grounds. The proposed development would be constructed in powder coated corrugated steel and would incorporate a flat roof form. Whilst flat roofs generally constitute poor design, the proposal would be screened by the existing boundary treatments and would have limited visibility from public vantage points. Although the structure would be large in size, it would appear subservient and would be considered appropriate given the significant scale of the site. Given that the design and scale of the building would appear typical for such a use and would be in-keeping with the context of the existing hospital buildings, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Summary

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed development would be located within the existing hospital grounds. The plans confirm that the data centre would occupy a position approximately 50.7m to the rear elevations of 112, 114 and 116 Healds Road. Given that the separation distance retained would be substantial, it is considered that there would be no undue harm to the neighbouring occupants. Furthermore, it is noted that the data centre would serve the existing hospital and is not likely to intensify the use at the application site. Therefore, given the nature of the proposal, it is considered that there would be no material harm with regard to the neighbour's residential amenity.

Furthermore, Environmental Health have noted that the proposed data centre has the potential to cause noise which could detrimentally affect the amenity of the residential properties along Healds Road, particularly as the unit will operate 24/7. For these reasons, a pre-commencement condition has been agreed with the agent requiring a Noise Impact Assessment to be submitted prior to the commencement of construction work on site.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposed installation of a data centre container would not materially intensify the use or affect the existing parking arrangements on site. Therefore, the proposed development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF and the Highways Design Guide SPD.

4. 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Kirklees Local Plan, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Crime Prevention

The following security measures have/will be implemented as part of the application:

- The new data centre would be housed within a steel container with a solid steel door which will be provided with Paxton access control and internal camera systems, these will be linked back to the DDH Security camera surveillance room for 24hr monitoring and recording.
- The existing site CCTV camera system provides external coverage of the area proposed for the location of this new data centre, with cameras already located at high level on the corners of the adjacent building.
- Perimeter security meshed fencing will be installed with locked access gates, similar to that provided for the current site perimeter fencing.
- New high level LED external lighting has been installed to adjacent building to enhance the lighting for area only, designed not to impact on any adjacent properties, with low level switched lighting to be installed to provide safe access and egress to the building once building in place.

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

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the erection of a data centre container at Dewsbury and District Hospital has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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:** 2023/90433**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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP49 and LP52 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. Before construction 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 the nearest noise sensitive premises
- 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: This is a pre-commencement condition to ensure adequate measures are incorporated into the development to prevent the proposed development resulting in any 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.

4. Prior to development commencing HERAS type protective fencing in accordance with British Standard BS 5837 shall be erected around the canopy extent of the adjacent trees. During the development, the fenced off area will not be used for machinery or storage of materials, spoil heaps or washing off of concrete and burning of waste.

Reason: So as to protect to viability of the mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Site Location Plan	[10] 04	-	09/02/2023
Site Plan as Existing	[10] 01	-	09/02/2023
Site Plan as Proposed	[10] 02	-	09/02/2023
General Arrangements as Proposed	[10] 03	A	06/03/2023
Climate Change Statement	-	-	06/03/2023

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 Planning 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 18/04/2023

