

9 March 2023

PIVO0001

Mr William Simcock
Planning & Building Control
Kirklees Council
Civic Centre III
Market Street
Huddersfield
HD1 2JR

Dear William,

Technology House, Dyson Wood Way, Bradley, HD2 1GN

Change of Use Application: “Technical Development” Use to F1 Learning and Non-Residential Institution

Further to our recent discussions on this site, I am pleased to enclose an application seeking:

Change of Use from “Technical Development / Storage Area with 2 story Office” to Use Class F1 Learning and Non-Residential

The application comprises:

- This covering letter
- The forms, submitted under Planning Portal reference PP-11998272
- The relevant fee
- Noise Assessment, prepared by SLR
- Transport Technical Note, prepared by Fore
- The following original application plans, showing the form and position of the already completed unit on the application site:
 - Wake Architects Drawing 1103 (0-)02 Proposed Site Plan
 - Wake Architects Drawing 1103 (0-)03 Proposed Plans and Elevations
 - Wake Architects Drawing 1103 (0-)04 Proposed Site Sections

Payment has been made via the Planning Portal.

Planning History

The current use on this land was approved under reference 2009/93495 in April 2010. The precise use class applied for was unclear, as there was no stated use class for that proposed occupier. 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

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photocopier / office equipment sales, repair and maintenance use. The building was most recently occupied by CopyMark, who vacated the building in September 2021. The site has been actively marketed since then¹. The building offers around 907sqm of floorspace, including office and workspace / storage space.

This site was subject to an application for a change of use to a local campervan maintenance and repair use. Unfortunately, that business suffered from economic difficulties and application 2021/94367 was withdrawn in January 2022. Since then, the site owners have been involved in a number of discussions with alternative occupiers, and several withdrew from discussions due to planning uncertainty.

An application was then made seeking a more general employment uses (E(g)(ii), E(g) (iii), B2 or B8 Uses) under reference 2022/94109. That remains undetermined at the time of writing, but it is anticipated that it will be approved shortly. That application was submitted to broaden the market appeal of the existing unit.

The ongoing marketing efforts have now resulted in Pivot Academy Leeds wishing to open a school in this unit.

The Proposed Use

Pivot Academy offer schooling for learners with complex social, emotional, mental health and other associated needs. They offer educational pathways which reflect the individual needs of the students, that helps them to achieve their potential, and equip them for a successful life beyond school.

The proposed school will provide for pupils who have struggled in previous schools, and pupils with special educational needs and / or disabilities, who often have gaps in learning. The school's focus is on ensuring the wellbeing of the pupils and encouraging learning outcomes that other academic institutions have not managed to achieve.

The site will support around 35 pupils and will have 15 staff members. The staff to pupil ratio is very high. General school hours will involve pupil drop off, often in taxi's, by 9.30am, with collection at 2.30pm. Where needed, staff may also use the school minibus to collect pupils from home, or to undertake welfare visits to check on vulnerable pupils if they have not attended- this however is not a regular traffic movement.

Pivot operate a similar use in the adjacent building, Salus House, to the immediate west of the site. That application was approved in June 2021 as an independently registered school for children between 7 and 16 years old.

The objective of this application is to expand the provision of schooling in Kirklees for the most vulnerable children in society. It aims to provide equal access to education and to enhance life choices for people who struggle to engage with normal educational routes.

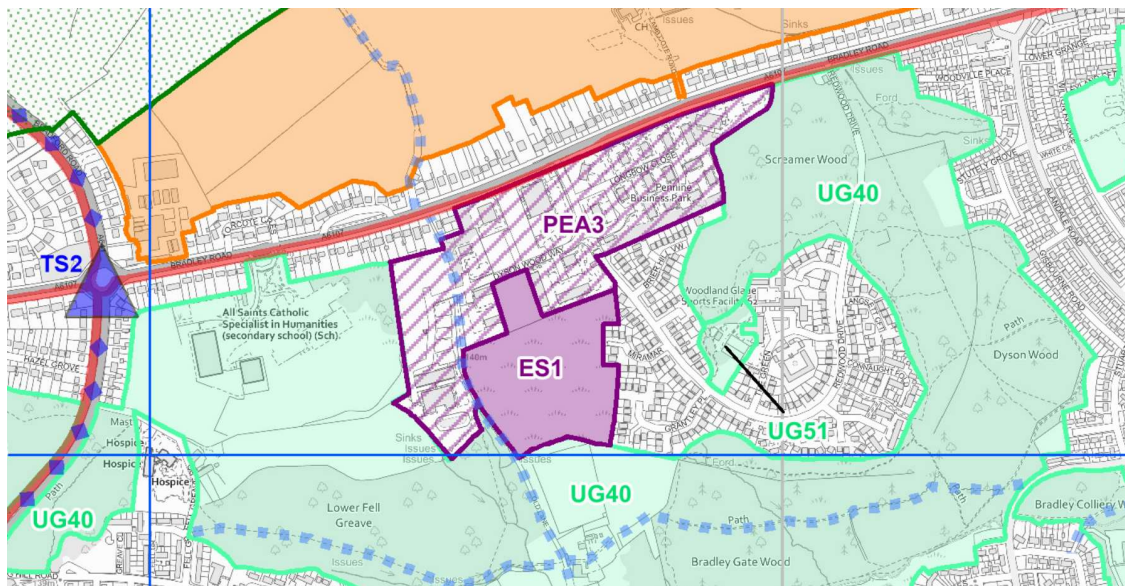
The application site is shown in red below:

¹ [Technology House, Alexandra Court, Dyson Wood Way, Bradley Business Park, Huddersfield, West Yorkshire, HD2 1GN – Metcalfe Commercial](#)



Principle of the Use

The site is within the Primary Employment Area (PEA) 3 allocation.



Policy LP8 of the Adopted Plan notes that proposals for employment generating uses will be supported, but that proposals for non-employment generating use will only be supported where:

- a) The site is no longer capable of providing an employment use, and
- b) The proposed use is compatible with neighbouring uses and would not prejudice the continued use of neighbouring land for employment.

F1 uses are not the traditional “B Class” job creating development envisaged in this policy. However, the previous application on this site, for a broad spectrum of B Class employment uses, calculated

that it would generate between 13 and 25 jobs². The use proposed by this application would support 15 jobs and so is broadly comparable to the equivalent floor area of a “traditional” employment use.

The proposal is, arguably, an employment generating use, despite not being a traditional B Class development.

It is clear that the site is capable of being used for B Class development, but granting this application would not change that position- this is a simple change of use proposal which would leave the current building intact, and capable of being re-used for an alternative employment use in the future. This application would not prejudice the future use of the site for employment uses.

The adjacent uses would not be adversely affected by the proposal- indeed one of the adjacent uses is also an F1 use, operated by the applicant.

The “normal” employment uses are situated to the east and south of the site and could continue to operate without being hampered by the introduction of the new use. The external play areas are situated away from the existing industrial uses, and the buildings will act as a barrier to yard noise generated by that existing development for users of the playground. There would be no prejudice to existing employment uses in the area.

In addition to generating an equivalent number of jobs, the proposed use would also deliver a different nature of social benefit for society- supporting vulnerable children who are struggling in mainstream education. This is in addition to the usual economic and wellbeing benefits this employment allocation is intended to deliver.

As it generates the same number of jobs as a B Class development, it is clearly an “employment generating” use with additional benefits over and above what would normally be expected. The objectives of Policy LP8 are therefore exceeded.

Policy LP49 of the Kirklees Local Plan notes that proposals for new education facilities will be permitted where they meet a deficiency in provision, improve the range and quality of schools and are well related to the catchment they serve- to minimise the need to travel.

The applicant is contracted to Kirklees Council to provide specialist education provision to meet local needs. Without suitable accommodation being made available to Pivot, the needs of children in Kirklees will not be met and their potential contribution to society will not be realised. It is vitally important that alternative education providers, like the applicant, have the space they need to meet locally arising needs- without this both the applicant and the Council are failing some of the most vulnerable people in society.

On this basis, we suggest that the objective of Policy LP49 is also met.

We, therefore, consider that the proposed use accords with the provisions of the Adopted Local Plan and attracts the presumption inherent in S.38(6).

We now set out any material considerations which may outweigh that presumption in favour of the application.

² Using standard densities for B2 and B8 space based on HCA densities [Employment Density Guide 3rd Edition \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/employment-density-guide-3rd-edition)

Transport Effects

The application is supported by a highways technical note prepared by Fore.

The technical note adopts a very robust method for assessing the likely increase in vehicle numbers, and offsets some of these vehicle movements against the current committed baseline traffic from the site. It concludes that traffic generation is very modest, and amounts to less than one vehicle every minute during the morning peak hour. The school pick up transport effects will be extremely limited as they occur outside the main afternoon peak.

It concludes that the existing road network can satisfactorily accommodate the proposed development and that traffic effects of the development are not significant in operational terms.

Alexandra Court is unadopted but was built to a suitable standard to cope with the full development of the wider area for industrial purposes. We consider that given:

- The nature of this application,
- The low trip generation,
- The avoidance of main peak times,
- The offsetting of trips against the currently approved use- which was part of the baseline consideration of the recently approved adjacent development,
- The approach taken to the adjacent recent applications,
- The low vehicle generation relative to the approved baseline:

The local highway network is of a sufficient standard and has suitable capacity to accept the traffic generated by this application, without any harm to the safe and free flow of traffic in the wider area.

Noise

The application is supported by a noise assessment prepared by SLR. This concludes that noise levels within the building will be acceptable for the proposed school use.

Noise in the proposed playground area (current yard area) is close to the limits of acceptability due to traffic noise- but speech communication will remain possible. Acoustic fencing has been explored. This could make a 3-4dBA difference if placed close to the existing weldmesh fence on Bradley Road, but the report suggests that this is advisable, rather than necessary.

The use of the yard as a playground would not materially affect the noise environment for nearby residents. The proposed play areas will only be used during the day, when there is already an existing high background levels and the more sensitive times are when the school will be closed.

The report suggests that hours of use of the playground should be limited to the daytime. It also suggests that a condition should control any new noise generating plant on the building- to ensure this doesn't exceed current background levels. This is all acceptable to the applicant.

It is considered that, with those controls in place, the proposed development will not cause any noise or disturbance which warrants refusal of planning permission.

Amenity

The building is existing and has been in its current form for well over a decade. This application will not result in any visual change as it will only involve internal fit out works. The principle of employment related activity- including yard activity and plant noise- is already well established for

employment uses, and the supporting information demonstrates that the playground area will not harm amenity through noise generation.

The proposed development will not result in any significant olfactory issues, nor any air quality concerns. There are no visual changes and no unusual or otherwise harmful effects that could be associated with the proposed use.

Subject to the controls suggested on new plant installation, it is considered that the proposed development will not have any harmful effect on residential amenity.

Environmental and Other Considerations

The site is not within any environmental designations, has no flooding concerns and was approved for development in its current form in 2010 (2009/93495). This is a change of use application, so there are no material physical changes that need to be considered.

The effects that are relevant to this application are related to the proposed use- which we consider is appropriate to both the immediate surroundings, and the allocation of the land. The principle of this wider use allowance has been established on the unit immediately to the south west of the site.

The adjacent applications were subject to consideration of various environmental concerns including climate change, air quality, ecology, contamination and mineral safeguarding. Our view on these is as follows:

- The application is for the reuse of an existing building, which is inherently sustainable and supported by national policy. It is in a sustainable location, close to residential areas and would not materially increase the need to travel. It, therefore, should not have any material effects on the Council's approach to carbon reduction.
- The site is not in an AQMA and vehicle movements will be offset against those associated with the approved and existing use of this building. We don't consider that there will be a material effect on local air quality that warrants either specific assessment, or indeed refusal of this proposal.
- The site is already developed in its current form and no physical changes are proposed. As such, the re-use of the building and yard areas will not have any effects on ecological or biodiversity interests.
- The site is already developed and this application is solely for an alternative use. The site supports the current development and as such we consider that there are no issues with land stability or contamination from previous coal mining or legacy structures under the site. These will have been managed when the site was first developed.
- It is unlikely that minerals would be extracted from this site, primarily due to the offset distances to the nearest houses and the small scale of the site. The site is already developed with the unit in place, and so no issues of mineral sterilisation will arise from this proposal- any such sterilisation will have occurred in 2010 when this site was developed.

Benefits

The other key considerations that we wish to be taken into account in determining this application are the benefits that arise from:

- a) Securing the re-use of this now vacant building- with the associated embodied carbon saving compared to demolishing and constructing a new build facility.
- b) Making best use of existing under-utilised land in the urban area.

- c) The creation of 15 jobs.
- d) Extending special needs education provision in in Kirklees.
- e) The wider social benefits of nurturing and supporting children struggling with mainstream education options and harnessing their potential for the future benefit – for themselves and society as a whole.

We consider that there are a number of significant benefits which weigh in favour of approving this application.

Conclusions

We consider that the balance lies in favour of granting this change of use, as the proposal would not result in any material harm, and the proposal accords with the provisions of the Adopted Local Plan.

If you need anything further to assist with the application, please do let me know.

Yours sincerely

Redacted

Matthew Sheppard

Director

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