

Your Ref: **PP-12034871**
Our Ref: HPD/CD/21/177
Date: 22 March 2023

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Dear Sir/Madam,

RE: UNIT 3, NEILY INDUSTRIAL PARK, 155 NEW MILL ROAD, HONLEY, HD9 6QE

On behalf of our client Screwfix Direct Limited, we are instructed to submit an application under Section 73 of the Town & Country Planning Act (1990) to vary Condition no. 16 of planning permission LPA ref: 2022/70/90391/W dated 20 May 2022, as it relates to Unit 3 Neily Industrial Park in Honley.

Please find attached the following documentation which, in addition to this letter, comprises the planning application:

- Duly completed Planning Application Form;
- Completed Certificate B and copy of Notice as served;
- Site Location Plan (at scale 1:1,250), with the site edged in red; and
- Copy of Decision Notice LPA ref: 2022/70/90391/W dated 20 May 2022.

The statutory application fee of £234.00 has been paid electronically by card following submission of this application via the Planning Portal.

The proceeding sections of this letter outline the planning history for the site, the proposal, and its compliance with national and local planning policy.

PLANNING HISTORY

We are aware of the following planning history for the site:

- LPA ref: 2013/60/93959/W – Outline application for erection of industrial development of B1 and B8 floorspace. Approved 16 October 2014.
- LPA ref: 2016/62/94262/W – Erection of industrial development of sui-generis, B1 and B8 floorspace. Approved 14 March 2017.

Subsequent to the above, an application to formally discharge conditions and a non-material amendment to LPA ref: 2016/62/94262/W, were approved on 23 May 2019 and 26 November 2020, respectively:

- LPA ref: 2017/44/93717/W – Discharge conditions 3, 7, 9, 11, 13, 14, 15, 23, 27, 29 and 30 of previous permission 2016/94262 for the erection of industrial development of sui generis, B1 and B8 floorspace. Approved 23 May 2019.
- LPA ref: 2020/NMA/93556/W – Non-material amendment to previous permission 2016/94262 for

erection of industrial development of sui-generis, B1 and B8 floorspace. Approved 26 November 2020.

More recently, an application to vary condition 16 (working hours) of previous permission 2016/94262 was approved on 20 May 2022 (LPA ref: 2022/70/90391/W), to allow Screwfix Direct (who are the occupiers of Unit 3), to operate from the premises in line with the opening hours of their national portfolio.

Condition no. 16 imposed under LPA ref: 2022/70/90391/W states that:

“16. Unless otherwise agreed in writing with the Local Planning Authority, and with the exception of Unit 3 for a period of 12 months beginning 23/05/2022 only, no activities shall be carried out on the premises (speculative units located at the front of the site), including deliveries to or dispatches from the premises, outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays. For a period of 12 months beginning 23/05/2022 only, no activities shall be carried out at Unit 3 outside the hours of 0700 and 2000 Monday to Friday (including Bank Holidays), 0700 to 1830 on Saturdays and 0900 to 1600 on Sundays, and there shall be no deliveries to or dispatches from Unit 3 outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays.”

As such, the permission (LPA ref: 2022/70/90391/W), allows the extended hours of operation at Unit 3 for a temporary (12 month period), only.

There is no later planning history in relation to the site.

SITE CONTEXT

The application premises comprise a commercial warehouse unit (benefitting from consent for Class B1 [now Class E] use and Class B8), with direct vehicular access from New Mill Road. The application site itself, is well positioned for easy access to the M42, M1 and beyond. It is demarcated to the south east by the existing Neiley water works, to the north west by a terrace of residential properties with substantial rear gardens and a football pitch (which comprises part of the New Mill Road playing field), a belt of mature woodland to the north east, and the former Brooks Sport Field on the opposite side of Mill Hill Road, respectively.

The location, which is characterised by a mixture of uses (including residential and commercial uses), is well served by public transport. Brockholes Railway Station is within 16 minutes' walk and there are bus stops within a minutes' walk of the site serving local destinations. Pedestrian infrastructure is well established with all surrounding footways lit.

THE PROPOSAL

As set out above, planning permission (LPA ref: 2022/70/90391/W) was approved on 20 March 2022 to allow extended hours of operation from Unit 3 for a temporary (12 month) period.

Condition no. 16 of the permission states that:

“16. Unless otherwise agreed in writing with the Local Planning Authority, and with the exception of Unit 3 for a period of 12 months beginning 23/05/2022 only, no activities shall be carried out on the premises (speculative units located at the front of the site), including deliveries to or dispatches from the premises, outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays. For a period of 12 months beginning 23/05/2022 only, no activities shall be carried out at Unit 3 outside the hours of 0700 and 2000 Monday to Friday (including Bank Holidays), 0700 to 1830 on Saturdays and 0900 to 1600 on Sundays, and there shall be no deliveries to or dispatches from Unit 3 outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays.”

The reason given for the imposition of the condition is:

“The hours of operation are based on those requested on the application forms and in the interests of the

amenity of occupiers of neighbouring properties.”

Notwithstanding, Screwfix Direct Limited who are the current occupiers of Unit 3, wish to secure a planning permission free from unnecessary encumbrances and to permanently secure opening hours at Unit 3, in line with their national portfolio. The change in hours of operation will not result in a material change to the appearance of, or the operation of, the building.

Accordingly, we propose that Condition no. 16 be varied as follows:

“16. Unless otherwise agreed in writing with the LPA, and with the exception of Unit 3, no activities shall be carried out on the Premises (speculative units located at the front of the site), including deliveries to or dispatches from the premises, outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays. No activities shall be carried out at Unit 3 outside the hours of 0700 and 2000 Monday to Friday (including Bank Holidays), 0700 to 1830 on Saturdays and 0900 to 1600 on Sundays, and there shall be no deliveries to or dispatches from Unit 3 outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays.”

SCREWFIX DIRECT LIMITED

Screwfix Direct Limited comprises a trade counter operation aimed at local builders and related services e.g. plumbers, electricians, facilities departments to large organizations such as offices, hospitals, hotels, schools and prisons. Their products are also sold over the internet, via a catalogue, over the telephone as well as over the trade counter, which typically occupies about 10% of the floor space of a unit, with any individual unit servicing its own local area for each of these methods of purchase. Screwfix brands and products are formulated for the trade professional in terms of quantity and type of goods. Whilst the units are advertised, this is predominantly in the trade press and is directed at tradesmen.

National Planning Policy Framework (NPPF)

The revised National Planning Policy Framework (NPPF), published in July 2021, aims to strengthen local decision making and to reinforce the importance of up to date plans.

Paragraph 11 states that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

For decision-taking this means (**Paragraph 11**):

“Approving development proposals that accord with an up-to-date development plan without delay”.

Paragraph 38 confirms that Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 81 of the Framework provides clear support for businesses, stating that planning decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should also be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 83 continues that planning decisions should recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales, and in suitably accessible locations.

The variation of Condition no. 16 as proposed would support the continued delivery of a new business and would therefore be in accordance with the NPPF guidance regarding the sustainable development needs of businesses.

LOCAL PLANNING POLICY

The Local Development Plan for Kirklees comprises of the Kirklees Local Plan (February 2019) and the Holme Valley Neighbourhood Development Plan (December 2021).

On the Policies Map accompanying the Kirklees Local Plan (2019), the site is not allocated for a specific purpose, whilst it is deemed to fall within the Holme Valley Neighbourhood Area.

Policy LP9 'Supporting Skilled and Flexible Communities and Workforce' of the Local Plan (2019), seeks to accelerate economic growth through the development of skilled and flexible communities and workforce in order to underpin future economic growth to deliver the Kirklees Economic Strategy.

Furthermore, Policy 7 'Supporting Economic Activity' of the Holme Valley Neighbourhood Development Plan (December 2021), states that proposals which result in the creation or sustainable expansion of existing and new businesses, particularly those defined as micro (sole traders or those with fewer than ten employees) or small (ten to fifty employees), will be supported.

We now turn to consider the nature of Screwfix's trade counter operation and the permanent change in the hours of operation on amenity and the locality in general.

PLANNING ANALYSIS

The reason given for the imposition of Condition no. 16 refers to the hours of operation being based on those requested on the application form and in the interests of the amenity of nearby occupiers. In addition, it should be acknowledged that the condition was imposed for a temporary (12 month) period, to allow the Council to appropriately re-consider the proposed hours of operation, should the applicant wish to continue to operate the longer hours at Unit 3.

The applicant has now been successfully operating from Unit 3 for a period of some 10 months, and are not aware of any formal complaints from neighbouring residents or any third parties, in respect of their operation. As such, the proposed variation seeks to permanently allow the extended hours of operation at Unit 3.

As such, and whilst there are some residential properties located within the vicinity of the site (as these are well screened by virtue of the approved boundary treatment in accordance with Condition no. 3 of LPA ref: 2016/62/94262/W), we note that the character and amenity of the area is already heavily influenced by the surrounding road network (including the A616 which is a primary distributor road carrying high levels of vehicular traffic into Honley), and other business and recreational operations in the area. Therefore, it is considered that the permanent variation of Condition no. 16, as proposed, would not give rise to any undue level of disturbance over and above the level of noise that currently emanates from the wider site and surrounding area.

The purpose of the Screwfix operation at Unit 3 Neily Industrial Park is to serve the jobbing builder providing building materials which it would not be appropriate to stock in a town centre location. Many tradesmen visit a branch on the day prior to or, to or from work i.e. thereby needing the branch to be open early. Accordingly, a commercial location such as Unit 3 Neily Industrial Park is the best location for such a distribution use to occur as it is of appropriate and sufficient size and provides adequate parking/collection points for builder's vehicles.

The trade counter use is entirely appropriate to a settlement the size and function of Honley and makes use of an existing building, on the site. In addition to the inherent sustainability benefits of occupying and productively using an existing building within a sustainable location, Screwfix Direct Ltd, will continue to employ 12 members of staff on the premises, 4 of which will be full time employed. It will also assist to minimise commercial vehicle journey miles and congestion by providing building products in an easily accessible location.

An average of three HGVs visit the site in a normal working week, and 40 other vehicles visit the site in a

normal working day; a level that would be imperceptible on the local highway network. Furthermore, the site is designed to allow access and egress for delivery vehicles in a forward gear. Loading and unloading occurs at the point of entry into the building (i.e. it is not necessary for staff to walk stock up the side of the unit), and any perceived noise from the use of trolleys will be contained within the building.

As such, the level of external activity at the Screwfix unit will be limited. There will be no operating machinery outside of the building or any plant. As such, the activities associated with the proposal are not of a nature that would cause disturbance to neighbouring occupiers. The permanent change to the opening hours of Unit 3 (by an extra hour and a half in the evening on Monday to Friday, an hour earlier on Saturday mornings, by an extra two hours on Sunday mornings whilst closing an hour earlier on Sunday evenings, and with weekday business hours on Bank Holidays), are limited, and will not adversely affect the amenities of adjoining occupiers, given the character of the area and the scale of the use proposed. In addition, no deliveries (taken or dispatched), will take place outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 Sundays (to accord with Condition no. 16 of LPA ref: 2022/70/90391/W, as proposed to be varied).

Furthermore, Screwfix successfully already operates from a number of other units across the UK, with a number of their branches located within residential areas, including for example: Luton, Yeovil and Glastonbury. The branch managers successfully manage these operations on site and Screwfix have confirmed they have had no formal enforcement action and are not aware of any complaints.

The proposal will not adversely affect the amenity of neighbouring occupiers in terms of noise and disturbance, increased traffic, parking, pollution, loss of privacy, overlooking, loss of outlook or any other adverse effects. As we have set out above, we are not aware of any incidents during Screwfix's occupation of Unit 3, where activities associated with Screwfix's operation have caused any complaints.

Given the above, the proposal will provide benefits to the local economy whilst meeting sustainability objectives, and will not be of detriment to the environment, or amenities of the area. The proposal is therefore in accordance with the most up to date guidance in National Planning Policy, Policy LP9 of the Kirklees Local Plan (2019), and Policy 7 of the Holme Valley Neighbourhood Development Plan (2021).

CONCLUSION

In light of the above, we do not consider there to be any exceptional circumstances warranting the retention of the condition in its current form at Unit 3 Neily Industrial Park in Honley. Accordingly, we request the condition be varied so as to allow the permanent use of the premises during the hours of operation proposed.

We look forward to receiving your acknowledgement of receipt of this application and to its early favourable determination.

Should you have any questions arising from this submission please do not hesitate to contact me in the first instance.

Yours faithfully,

Redacted

Claire Day BSc (HONS) FRICS FRTPI
DIRECTOR

Encs.