

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:	2023/62/91189/W
Site Address:	Unit 5, Kiln Hill Industrial Estate, Kiln Hill, Slaithwaite, Huddersfield, HD7 5JS
Description:	Change of use and alterations to convert from former print works to Canine Hydrotherapy and Training Centre (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 15th June 2023

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Officer Report 2023/91189

Unit 5, Kiln Hill Industrial Estate, Slaithwaite

Site Description

Unit 5, Kiln Hill Industrial Estate, is one of 7 industrial units located off Kitchen Fold, a short distance outside the designated town centre boundary. It is a modern, single storey industrial unit of portal steel frame construction, with reconstituted stone walls and profile metal sheet cladding to eaves. It is currently used as storage ancillary to Unit 4, which is used by the applicant for distribution of products for online retail sales. There is a large open concrete forecourt associated with the premises and shared with other units.

Description of Proposal

The proposal is for the change of use of the premises to a canine hydrotherapy unit and dog training centre.

Hours of operation specified on the application form are 9am to 6pm, 5 days a week but this will include both weekdays and weekends (as clarified in the supporting statement). The supporting statement also says that dog training would be carried on in the evenings (6pm to 8pm) and weekends, and would be offered as one-on-one sessions. Related services such as dog nail clipping (which are currently provided in Unit 4) may also be provided. The proposed layout shows roughly half of the total floorspace of 262sqm as a dog exercise area, with the hydrotherapy pool taking up approximately 37sqm with a much smaller treatment room opposite. The remainder of the floorspace would be taken up by storage, an office, WC and dog washing area.

The application form states that there would be 2 full-time and one part-time member of staff. The supporting statement estimates 3-4 full-time jobs. The agent has clarified that it would create 3-4 full time job roles initially (two full-time jobs being associated with the hydrotherapy pool, one with the dog training) with further roles being planned if the business is successful.

A security shutter is to be added to the personnel door in the eastern or front elevation. Besides this, the only alterations would be internal.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations

Final publicity date expires: 30-May-2023. Publicity was by neighbour letter only since, although the site is within Slaithwaite Conservation Area, the proposal is not deemed to affect the Conservation Area as it is for change of use with minimal external works. Consequently, it was not advertised by site notice or press publicity.

No representations were made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Environmental Services – No objections

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 designated as a Priority Employment Area on the Kirklees Local Plan. It is also within the Slaithwaite Conservation Area.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 8:** Safeguarding employment land and premises
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 35:** Historic environment
- **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 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
- Chapter 16 – Conserving and enhancing the historic 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 a Priority Employment Area in the Local Plan. Within such areas, under Policy LP8, proposals for employment-generating uses will be supported where there is no conflict with established employment uses. A change of use resulting in a use that is not employment-generating will only be supported where it can be demonstrated that the premises are no longer capable of employment use. “Employment-generating uses”, as defined in the Local Plan glossary, include those deemed to fall within Class B within the Use Classes Order (as amended) and other enterprises which provide jobs. The proposed use is considered to be sui generis, not in Class B, but would generate or sustain jobs.

The use now proposed would fulfil this criterion. Whilst the number of jobs sustained is low considering the size of the unit, the change of use would allow an existing business on this industrial estate to expand and offer a wider range of services. It is therefore considered that it would be compatible with the aims of Policy LP8.

The proposal will further be assessed for its potential impacts on heritage, amenity, environmental and highway issues, as required by the above Local Plan policies and NPPF guidance.

2 –Impact on visual amenity and Conservation Area:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land

within a Conservation Area. Chapter 16 of the NPPF states that in determining applications local planning authorities should give great weight to the asset's conservation. Any harm to or loss of the significance of a designated heritage asset requires clear and convincing justification. Policy LP35 also upholds this principle.

The installation of a roller shutter to the personnel door is considered an insignificant addition given the scale and design of the building and its setting on a modern industrial estate. It is considered that the development would not detract from the quality of the townscape or landscape and would conserve the character of the Slaithwaite Conservation Area. The installation of the roller shutter is, given the context it would be viewed, considered to cause no harm to the Conservation Area.

It is therefore considered to be in accordance with the aims of Policies LP24a, LP35, Chapter 16 of the NPPF, and the Council's duties under Section 72 of the Act.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers

It is considered that given the scale of the proposed use, and on the basis that dog training and other activities will take place inside the building, it is considered that the proposed development would not detract from the amenities of residential properties in the local area by reason of noise, odours or other factors.

So as to ensure that the use does not give rise to disturbance as a result of vehicular comings and goings at unsocial hours, it is recommended that the hours of operation should be limited to:

- 8am to 8pm, Mondays to Fridays
- 9am to 6pm Saturdays
- 10am to 4pm Sundays

In addition, it is recommended that deliveries to and dispatches from the premises should not take place on Sundays or Bank Holidays. The agent has agreed to these hours, which it is considered would give the applicant adequate flexibility.

It is also recommended as a precautionary measure that the uses hereby approved should take place within the building only and not on any associated land, since outdoor dog training would be more likely to give rise to noise nuisance, as well as taking up land that is now available for parking. This

would be controlled by a suitably worded condition upon any grant of permission.

It is considered that subject to conditions the development would not give rise to any loss of residential amenity or other environmental problems and would accord with the aims of LP24b, LP52 and NPPF15.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

The proposal does not make any change to the existing access arrangements. According to the application form, 6 parking space exist within the site, although it is unclear whether any, or all, of these are for the exclusive use of Unit 5. The information submitted with the application indicates that the proposed use is unlikely to give rise to a higher number of vehicular journeys to and from the site, or parking demand, than would occur under a typical industrial or storage and distribution use. It is considered that the development would not interfere with the safe or efficient use of the highway and would not prejudice the operational needs of neighbouring businesses. It would thereby accord with the aims of Policies LP21-22.

5 – Representations: No representations have been made.

6 – 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. Since February 2023, a Climate Change Statement has formed part of the local validation requirements.

The applicant's submitted statement says that additional insulation will be added to walls and ceilings and that all materials will be locally sourced. Since the proposal is a change of use with no new build, it is considered that the proposal demonstrates compliance with the above carbon reduction aims and LP24(e).

Biodiversity:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats

and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site is in the bat alert layer and within an area in which there are Swift nesting records. Since no new build, and only minimal alterations, are proposed, it is considered that the proposal would have no impact upon the ecology of the area and furthermore that the nature of the proposal does not present any opportunities for ecological enhancement.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation – Delegated Powers

Application Number: 2023/91189

Officer Recommendation: CONDITIONAL FULL PERMISSION

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, LP8, LP21, LP22, LP24, LP35 and LP52 of the Kirklees Local Plan and policies within Chapters 6, 12, 14, 15 & 16 of the NPPF.

3. No activities shall be carried out on the premises, outside the hours of

- 8am to 8pm, Mondays to Fridays
- 9am to 6pm Saturdays
- 10am to 4pm Sundays and Bank Holidays

No deliveries to or dispatches from the premises shall take place outside the above hours Mon-Sat, or at any time on Sundays or Bank Holidays.

Reason: To ensure that the proposed uses does not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, to accord with policies LP24(b) and LP52 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

4. The uses hereby approved shall be undertaken inside the building only.

Reason: To ensure that the proposed uses does not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance, to ensure that adequate space remains available within the site for the parking of vehicles in the interests of highway safety, to accord with the Policies LP21, LP22, LP24(b) and LP52 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			06-Jan-2020
Location plan	2123		06-Jan-2020
Planning statement			11-Feb-2020
Existing site layout	2123-2		06-Jan-2020
Proposed site plan, elevations and floorplan	2123-1	C	04-Mar-2020

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 asked the agent for clarification of the likely number of staff but did not request any additional or amended plans since these were not considered necessary.

Report Dated: 14-Jun-2023

