

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:	2023/62/91561/E
Site Address:	Caldervale Technology, Bretton Street Industrial Estate, Brentfield Court, Savile Town, Dewsbury, WF12 9DB
Description:	Internal and external alterations
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 02 February 2024

OFFICER REPORT

Site Description

Caldervale Technology, Bretton Street Industrial Estate, Brentfield Court, Savile Town, Dewsbury, WF12 9DB is a 1.5 storey industrial unit that Caldervale Technology currently occupies.

The site is within an industrial complex with the closest residential units being located 84m to the west.

The units surrounding the application site are up to two storey and of similar scale.

The site is located within a Priority Employment Area.

Description of Proposal

The applicant is seeking permission to increase the maximum height of the central unit and the introduction of an additional window, in addition to alterations to the access and parking layout.

The proposal would retain the roof as a pitched roof but the maximum height of the proposal would be increased to 8m from 5.2m.

The eaves height would be retained.

The additional window would be added to the eastern elevation of the property.

Relevant Planning History

2018/93946 Erection of single storey extensions to existing factory and erection of office block - Conditional full permission

2014/90601 Variation of condition 2 (plans) on previous permission
2013/91436 - Approved

2013/93308 Discharge of conditions 1-9 on previous permission 2013/91436
Approved

2013/91436 Erection of 2 storey extension and 2 bay single storey workshop extensions - Conditional full permission (not implemented)

2002/90731 Erection of extension of security fence - Conditional full permission

90/03505 Erection of workshop/store and office extensions - Conditional full permission

Neighbouring site 2018/92120 Erection of an industrial unit - Undecided

Representations

The application was advertised by neighbour letters which expired on 7/7/2023.

No objections were received as a result of site publicity.

Consultation Responses

KC Highways DM: No objections

KC Environmental Health: No objections

KC Waste: 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 located within a priority employment area.

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP13** – Town Centre uses
- **LP 14** - Shopping Frontages
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 51** – Protection and improvement of local air quality

- **LP52** – 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, and 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 7 – Ensuring the vitality of Town Centres
- Chapter 12 – Achieving well-designed places
- Chapter 13 - Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and costal change

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This policy stipulates proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

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The proposal is to change the pitch of the existing roof to increase the maximum roof height and introduce an additional window.

Therefore, as the proposal would have limited alterations, still be in keeping with the surrounding area and retain the sites existing use within a PEA, the proposal is considered to be acceptable when considered against LP13 of the Kirklees Local Plan.

2 – Impact on visual amenity

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states that the form, scale, layout and details of all development respects and enhances the character of the townscape.

With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

It considered that there are other examples of two storey units within the immediate vicinity of the site and the increase in roof height would not be to all of the units associated with Caldervale Technology. It is considered that the alterations to the roof and the window would not significantly alter the character of the unit and would be in keeping with the prevailing character of the area.

Therefore, having taken into account the above, it has been considered that the proposal would be of a satisfactory design quality and would be in keeping with the wider street scene. As such, the proposal would accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan requires a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Policy LP51 of the Kirklees Local Plan states that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.

The closest properties to proposal are 80+ metres to the west and would be screened by other industrial units.

Due to the limited alterations and separation distance, it is considered that there would be no significant impacts regarding overlooking, overshadowing/loss of light/overbearing.

It is acknowledged that the proposal has the potential to intensify the use of the site; however, it is considered that as this would retain the existing use of the site, no significant impacts would arise regarding noise and disturbance to neighbouring residents.

Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.

Therefore, the proposal would accord with Policies LP24, LP51 and LP52 of the Kirklees Local Plan.

4 – Impact on highway safety:

KC Highways DM have been consulted as part of this application as the proposal has the potential to intensify the current use of the site. Alterations are proposed to the access and parking layout to enable a one way system.

KC Highways have not raised any objections.

As such, subject to conditions, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

The proposal is for a material change of use of an existing unit. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to *“do all that it reasonably can to prevent crime and disorder in its area”*. Chapter 8 (‘Promoting healthy and safe communities’) of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP16(c) of the Kirklees Local Plan sets out that the potential for antisocial behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm needs to be considered as part of any proposal.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

Paragraph 92 (b) of Chapter 8 of the NPPF, ‘Promoting Healthy and Safe Communities’, sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: *“are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...”*

Strategic Waste

The application site is located within 250m of 3 closed landfill sites. However, given the nature of the proposals, it is not considered necessary to impose any conditions in respect of ground gases in this instance.

6 – Representations:

No representations were received.

7 – Negotiations:

No further negotiations required.

8 – 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: 2023/91561

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.

1. 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 LP 21, LP22 and LP 24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The external facing and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing Elevations	0002 P1	2/06/2023
Proposed Site Plan	0009 P1	2/06/2023
Existing Site Plan	0009 P1	2/06/2023
Proposed Elevations	0005 P1	2/06/2023
Proposed First Floor Plan	0007 P1	2/06/2023
Proposed Ground Floor	0006 P1	2/06/2023
Existing First Floor Plans	0004 P1	2/06/2023
Existing Ground Floor Plan	0003 P1	2/06/2023
Location Plan	0001 P1	2/06/2023
Climate Change Statement		2/06/2023

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.

No alterations were required through the course of the application.