

**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:	2023/62/92424/E
Site Address:	Dr Reddys Ltd, Steanard Lane, Mirfield, WF14 8HZ
Description:	Installation of replacement of boiler flues
Recommending Officer:	Edward Cheseldine

**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: 06 October 2023**

## **Officer Report**

2023/92424 - Dr Reddys Ltd, Steanard Lane, Mirfield, WF14 8HZ

### **Site Description**

Dr Reddy's is a large manufacturing site that produces pharmaceuticals. Contained within the site are industrial buildings, chimneys and other associated large-scale equipment. The site rests between the River Calder and the Calder and Hebble Navigation Mirfield Cut. The site is partially obscured from sight from the public domain as the site rests on low ground, albeit there are views of the site from the north.

### **Description Proposal**

The applicant is seeking permission for the installation of replacement boiler flues.

There are two flues proposed, both of which will be ~9.00m in height with a width of ~0.60m. They will appear as cylindrical chimney structures. The proposed flues will replace existing flues which stand at ~18.9m that have a similar industrial appearance.

### **History of Negotiations**

None.

### **Relevant Planning History**

None.

### **Consultation Responses**

KC Environmental Health – as the flues are replacements that service a boiler that now use natural gas the lower chimney height there is considered to be no impact from the proposal.

### **Public Representations**

The application was advertised by a site notice that expired on 25<sup>th</sup> September 2023. As a result of the publicity, no representation were received.

### **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 27<sup>th</sup> February 2019).

The site is allocated as an Priority Employment Area on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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
- **LP 8** – Safeguarding employment land and premises
- **LP 22** - Parking
- **LP 24** - Design

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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, flooding and coastal change

### **Assessment**

- 1) Principle of development
- 2) Impact on visual amenity

- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Conclusion

#### Principle of development:

Priority Employment Areas are established sites of businesses and industry that warrant the protection from change of use. The Kirklees Local Plan seeks to develop a strong thriving economy by growing businesses through the provision of land necessary for growth. Policy LP 8 of the Kirklees Local Plan safeguards uses in Priority Employment Areas by promoting development that falls under the lands current use. In terms of this application, the proposal is for replacement chimney flues that are associated with manufacturing. Dr. Reddy's site is an industrial site which has the same use as the proposal, therefore there would be no change of use. As such, the principle of development is acceptable. It will now be assessed if the application is acceptable in terms of its visual and residential amenity impact, highway safety and any other matters.

#### Impact on visual amenity

The proposed chimney flues would have a minimal impact as they cannot be viewed from any area where visual amenity would be impacted in a materially harmful way. Given the area's character as industrial, the flues, where viewed, are not considered to cause harm to the character of the area.

#### Impact on residential amenity

The area is primarily industrial, to the north there are residential buildings which are situated ~250metres away. To the east there are lakes used for private fishing. The area to the south contains housing, the first house of which is ~270metres away. To the west are other industrial sites. Given the height of the flues, and the ground height of the site, the chimney's may be visible from the north and east, however there will be no issues of overshadowing or overbearing.

#### Impact on highway safety

The structure will replace existing chimney flues. Given its use and the context of the site, there will be no impact to highway safety.

### **Conclusion**

This application for the replacement of chimney flues at Dr Reddys Ltd, Steanard Lane 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 flues are considered to be 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.

As set out above, 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**

## 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

## Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	1001	1	14/08/2023
Existing Site / Block Layout	1002	1	14/08/2023
Proposed Site / Block Layout	1003	1	14/08/2023
Existing - Grouped Plans and Elevations	2001	1	14/08/2023
Proposed - Grouped Plans and Elevations	2002	1	14/08/2023

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 has, 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 instance, no amendments were necessary.

