

**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:	2023/62/92531/E
Site Address:	Unit A, Shaw Cross Business Park, Horrace Waller VC Parade, Shaw Cross, Dewbsury, WF12 7RF
Description:	Erection of 1 external light on column and 1 external light on existing fork lift truck store
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: «Current_Date»

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Officer Report

Site Description

Unit A, Shaw Cross Business Park, Horace Waller V C Parade, Shaw Cross, Dewsbury, WF12 7RF

The application site is a commercial unit within Shaw Cross Business Park. It comprises a service yard which is adjacent to the associated warehouse. The site is accessible via Horace Waller CV Parade, an unadopted highway adjoining Owl Lane roundabout.

The site is in a predominantly industrial area with industrial units to the north-west and south-west of the site and a Rugby Stadium to the south. There are residential dwellings further north of the site, which are separated by the highway and an area of greenery.

The site is allocated as a Priority Employment Area within the Kirklees Local Plan. There is a Wildlife Habitat Network to the north of the site, adjacent to Owl Lane.

Description of Proposal

Planning permission is sought for the erection of 1 external light on column and 1 external light on existing fork lift truck store.

The proposed freestanding light would be adjacent to the south-western boundary of the site. The proposed would be a Thorn Lighting Olsys 2 Area LED 104 (W) Floodlight mounted on 5m Galvanised Steel Mid-hinged lighting column.

The other external light would be mounted to the fork lift truck store (approved under application 2023/90022). It would be a Thorn Lighting Olsys 2 Area LED 104 (W) Floodlight.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. As the proposal was considered acceptable, no amendments were sought.

Relevant Planning History

2023/90022 Formation of 10m external service yard extension, extended external fencing, and erection of external fork lift truck store. Conditional Full Permission.

Representations

Final publicity date Expires:

Neighbour letters initially expired on 16th October 2023

No representation was received.

Consultation Responses

KC Environmental Health: No objections.

KC Ecology: 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 within a priority employment area as allocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP8** – Safeguarding employment land and premises
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP53** – Contaminated and unstable land

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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 8** – Promoting Health and Safe Communities

- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees House Extension and Alterations SPD (2021).

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) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

This application is for the erection of 1 external light on column and 1 external light on existing building at an existing industrial unit. The site is located in a Priority Employment Area (PEA28 – Shaw Cross Business Park, Dewsbury) as designated in the Kirklees Local Plan. The proposed lighting would facilitate the existing industrial use of the application site and would contravene the aims of policy LP8 of the Kirklees Local Plan. as there would be no conflict with the established employment uses in the area.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The proposed development is for external lighting. The scheme would include a 5m high Galvanised Steel Mid-hinged lighting column. This would be similar in design to the existing street lighting within the wider industrial estate. It would be located adjacent to the south-western boundary which is considered an appropriate location. The proposed lighting attached to the existing forklift store is also considered an appropriate location.

As such, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality and would comply with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section C of LP24 states that alterations to existing buildings should:

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The lighting would be adjacent to blank elevation of the adjacent existing industrial unit which is not an inhabited space. The application site is ~68m from the nearest residential dwelling which is separated from the site by a highway and an area of greenery. The proposed lit area would be separated from the residential area by the existing warehouse. Therefore, no additional

harm is considered to be caused to residential amenity over and above the existing arrangement on site.

As such, it is considered that the proposed development would not result in harm to residential amenity. The proposal therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposed scheme would not alter the parking provision or access at the application site. It is therefore considered that the proposal would not cause additional harm to the safe and efficient operation of the highway network, thus complying with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

There is a Wildlife Habitat Network located to the north of the application site, between the existing warehouse and highway. The proposed development would be ~26m from the network and as such would not cause any harm. KC Ecology officer raised no objections to the proposed scheme. The proposal therefore complies with LP30 of the Kirklees Local Plan.

Land contamination

The application site is identified in our mapping system as potentially contaminated land due to its previous use as a colliery and landfill. Given the proposed works would require minimal groundworks, no contamination measures are considered necessary in this instance. KC Environmental Health were consulted on the proposal and raised no objections. The proposal therefore complies with LP53 of the Kirklees Local Plan.

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. 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. Given the small scale nature of the proposal, no additional measures are considered necessary in this instance.

6 – Representations:

No representations received.

7 – Conclusion:

This application for the erection of 1 external light on column and 1 external light on existing forklift truck store at Unit A, Shaw Cross Industrial Park 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.

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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/92531

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.

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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.

With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specification schedule:

Plan Type	Reference	Version	Date Received
Location Plan	1026-EA-A-P010	A	30/08/2023
Existing Elevations	1026-EA-A-P012	A	30/08/2023
Existing Site Plan	1026-EA-A-P011	A	30/08/2023
Proposed Elevations	1026-EA-A-P014	A	30/08/2023
Proposed Site Plan	1026-EA-A-P013	A	30/08/2023

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. No negotiations were necessary.

Report dated: 02/11/2023

