

**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:	2024/62/90223/E
Site Address:	Netherfield Mills, Calder Road, Ravensthorpe, Dewsbury, WF13 3JS
Description:	Change of use from car recycling workshop to skip hire and waste transfer station
Recommending Officer:	Nina Sayers

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 19-DEC-2024

Officer Report

Site Description

Netherfield Mills, Calder Road, Ravensthorpe, Dewsbury, WF13 3JS.

This application relates to a plot of land in Ravensthorpe, Dewsbury which currently serves a car recycling workshop. There is a single storey structure with a domed roof on site and associated parking and turning facilities. The site is bounded by Netherfield Road to the north and Calder Road to the east. There are existing industrial units to the south and the west of the site. The site is within a Priority Employment Area (PEA34) as outlined within the Kirklees Local Plan. The site is also within Flood Zone 2 as defined by the Environment Agency.

Description of Proposal

Planning permission is sought for the change of use from car recycling workshop to skip hire and waste transfer station.

The existing domed roofed structure along the western boundary would be retained. There would be a portacabin and weight bridge in the north-eastern corner and small skips would be stored along the eastern side of the site. To the south-eastern corner would be a skip waste section where waste would be moved from the small skips to larger skips, this section would be partially enclosed by a 3m high pre-cast concrete interlocking block wall.

The process on site would consist of an LGV dropping off small skips which have been collected from residential and commercial premises, the contents of these small skips are then placed into large skips which are periodically taken away for recycling at a separate site. The large skips are to be removed once per week, whereas the smaller skips would usually be immediately taken out to the next customer once emptied.

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. An amended site plan and supporting email was provided to address highway concerns as discussed in section 4 of this report. A revised site plan was also sought and provided to ensure the acoustic fencing did not interfere with visibility splays.

Relevant Planning History

2000/91983 - Erection of industrial building - Approved

2013/92242 - Change of use of warehouse premises to car breakers yard - Approved

2014/91160 - Erection of new canopy to existing building - Withdrawn
2014/91579 - Discharge of conditions - Approved
2014/92216 - Variation of condition 2 - Approved
2017/90680 - Erection of industrial units - Approved

Representations

Final publicity date Expires:

This application was advertised via neighbour notification and online. Publicity expired on 28th March 2024.

No representation was received.

Consultation Responses

KC Highways Development Management: no objections.

KC LLFA: no objections.

KC Environmental Health: no objection subject to conditions.

The Environment Agency: 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 (PEA34) on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 9** – Supporting skilled and flexible communities and workforce
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 53** – 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) updated 12th December 2024, 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 14** – Meeting the needs of climate change, flooding and coastal change
- **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).

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 change of use from a car recycling workshop to skip hire and waste transfer station. The site is located within a priority employment area (PEA34). Development would therefore have to comply with Policy LP8 of the Kirklees Local Plan. Part 1 of the policy states that proposals for re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area (as defined in the Glossary). Part 2 of the policy outlines the limitations if a proposed scheme is proposing a non-employment generating use.

The Local Plan Glossary defines employment generating uses as being those which come under Use Classes B1, B2 and B8. Following changes to the Use Classes Order, Use Class B1 has been replaced with Use Class E. The proposed development would result in a skip hire and waste transfer station which is considered to fall within the definition of an employment generating use and as such the scheme would comply with part 1 of LP8, and part 2 is not relevant to this application.

Policy LP9 of the Kirklees Local Plan states that the council will work with partners to accelerate growth through the development of skilled and flexible communities and workforce in order to underpin future economic growth to deliver the Kirklees Economic Strategy. LP9 outlines that the Council will seek to secure an agreed training or apprenticeship programme with applicants where development creates 3,500m². or more of business or industrial floorspace. The proposal retains the existing building and would result in 323m² of floorspace, which does not trigger the requirement. The scheme therefore complies with LP9.

The principle of development is therefore 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) whereby 131 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.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

“c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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 development is for the change of use of an existing industrial site which would retain the existing domed roofed structure. The proposal would include the storage of both small skips, and large skips filled with waste. It is noted that the site currently serves a car recycling workshop and is surrounded by other industrial units. Therefore, the proposal is not considered significantly out of character with the surrounding area and would not be overtly visually intrusive over and above the existing arrangements on site.

The proposal would include a 3x5m portacabin in the north-eastern corner of the site with a maximum height of 3m. It is noted that there is already an existing 'canopy building' which is a portacabin style structure. The northern and eastern elevation of the existing, which are visible from the highway, are fully enclosed. The proposed portacabin would be smaller than the existing yet similar in height, therefore the proposal is considered to not cause any additional harm to visual amenity over and above the existing arrangements on site.

The proposed 3m high pre-cast concrete interlocking block wall to the south-eastern corner of the site would be visible due to the height and location. However, it is noted that there is already significant boundary treatment, around 2m in height and the wall would be set in from the boundary, reducing the prominence. It is also noted that the proposed height would not be dissimilar from the height of the portacabin to the north-eastern corner of the site, or the stone side elevation of Ravensthorpe Mill to the east.

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 B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 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.

There are residential dwellings to the north of the site (2-5 Netherfield Road and 60 Calder Road), approximately 10m from the site boundary. The

proposed development would result in noise which could cause harm to the amenity of these occupants. KC Environmental Health were consulted on the proposal and their comments are outlined below.

The applicant has submitted a Noise Impact Assessment to support the application. The assessment recommends a 2.4m high solid timber fence to be installed along the northern boundary of the site. The findings of the report are accepted. However, no detail is given on the use of any fixed mechanical plant. A condition is recommended for the installation of the acoustic barrier and a compliance condition for the use of any fixed mechanical plant to not exceed the measured background levels. In order to address highway concerns, as discussed in section 4 of this report, the proposed acoustic fence has been set in from the boundary, so as not to obstruct the visibility splays. The revised location is considered acceptable and therefore it would not be necessary for a condition that details of the location are provided.

The application form states the proposed hours of use will be 0800hrs to 1800hrs Monday to Friday only. A condition is recommended to control this in the interests of protecting the amenity of neighbouring properties.

External artificial lighting would be required on the site and a condition is recommended for a lighting scheme to be submitted in the interests of protecting the amenity of neighbouring properties.

As such, it is considered, subject to conditions, that the proposed development would not result in significant 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 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

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 development would utilise the existing access off Netherfield Road and proposes 4 staff parking spaces, 2 LGV parking spaces, 5 cycle spaces and an internal HGV turning circle. KC Highways Development Management (HDM) were consulted on the proposal and initially requested additional information regarding anticipated traffic generation and skip hire vehicles and vehicle swept paths for the largest vehicle which would enter the site.

An amended site plan was provided which shows a swept path for a refuse vehicle, alongside an email from the agent confirming that the large skips are to be removed once per week, and 2 skip hire vehicle LGV onsite which would typically undertake 6 deliveries per day per vehicle. This information and amended plan were reviewed by KC HDM who, given the relatively low traffic generation, raised no objection to the proposal.

Officers requested the applicant set the required acoustic fencing in from the boundary of the site to ensure it did not interfere with the visibility splays at the site frontage, nor interfere with visibility at the Netherfield Road/Calder Road junction. An amended plan was received which relocated the acoustic fence, so as not to interfere with visibility.

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:

Land contamination

The proposed development is on land that has been identified as potentially contaminated land due to its previous use as a Mill/Works. KC Environmental Health were therefore consulted and recommended that full land contamination conditions are necessary. In the event that planning permission is approved, it is recommended this be secured by condition. The proposal therefore complies with paragraphs 196 and 197 of the NPPF and LP53 of the Kirklees Local Plan.

Flood Risk

The application site is within flood zone 2, as defined by the Environment Agency (EA). Therefore, the EA and the Lead Local Flood Authority (LLFA) were consulted on the proposal, neither of who raised any objections. The EA did however outline within their response that a sequential test is required. As outlined with the National Planning Policy Guidance (NPPG), a sequential test is required for non-major development in flood zone 2 unless the proposal is for a change of use or has a footprint of less than 250m². The proposed development would be for a change of use and would include the installation of a 15m² portacabin and the storage of skips which would be transient. Therefore, a sequential test is not considered necessary in this instance. Officers raised this with the EA but no further comment was made.

It is therefore considered that there would be no increased risk to flood risk as a result of the proposal, thus complying with Chapter 14 of the NPPF.

6 – Representations:

No representations were received.

7 – Conclusion:

This application for the change of use from car recycling workshop to skip hire and waste transfer station at Netherfield Mill in Ravensthorpe 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: 2024/90223

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 Policies LP1, LP2, LP9, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Before the development is brought into use, details of an acoustic barrier as recommended in the hereby approved Noise Impact Assessment 'NIA-11283-24- 11493-v1' shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground. The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Notwithstanding the details submitted within the Noise Impact Assessment, the acoustic fence shall be located as demonstrated on the hereby approved Proposed Site Plan '23.2746.02D'. The proposal shall otherwise comply with details submitted within the approved Noise Impact Assessment.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises and prevent obstruction within visibility splays in the interest of highway safety in accordance with LP24 and LP21 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. There shall be no deliveries to, or dispatches from, the premises outside the hours of 0800hrs to 1800hrs Monday to Friday. No deliveries/dispatches shall take place on Bank Holidays.

Reason: To ensure that the proposed use(s) 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 the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting

- a) The location of all the luminaires
- b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated
- c) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- d) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the NPPF and LP52 of the Local Plan.

13. The development hereby approved shall not be brought into use until the visibility splays, as demonstrated on the approved Proposed Site Plan "23.2746.02D", have been cleared of all obstructions to visibility and remain clear for the lifetime of the development.

Reason: To ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Note 01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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
Existing Site and Location Plan	23.2746.01A		01/02/2024
Proposed Site Plan	23.2746.02D	D	17/12/2024
Existing Elevations	23.2746.03		01/02/2024
Design and Access Statement			01/02/2024
Noise Impact Assessment	NIA-11283-24-11493-v1		01/02/2024
Flood Risk Assessment	UNIT 1 NETHERFIELD MILLS, CALDER ROAD, WF13 3JS	A	01/02/2024

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. An amended site plan and supporting email was provided to address highway concerns as discussed in section 4 of this report. A revised site plan was also sought and provided to ensure the acoustic fencing did not interfere with visibility splays.

Report dated: 17/12/2024

