

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:	2024/62/90269/E
Site Address:	Dewsbury & District Hospital, Halifax Road, Dewsbury, WF13 4HS
Description:	Installation of new air handling unit with structural support, associated ventilation ductwork and condenser units; replacement of existing windows to fifth floor level
Recommending Officer:	Nicole Helliwell

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: 18 April 2024

Officer Report

Reference No. 2024/62/90269/E

Site Address: Dewsbury & District Hospital, Halifax Road, Dewsbury, WF13 4HS

Proposal: Installation of new air handling unit with structural support, associated ventilation ductwork and condenser units; replacement of existing windows to fifth floor level

Site Description

The application relates to the Bronte Tower, a six-storey building located within the grounds of Dewsbury and District Hospital. The site is unallocated on the Kirklees Local Plan but is situated near a predominantly residential area. The surrounding dwellings are highly varied in age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

Description of Proposal

The applicant seeks planning permission to install a new air handling unit with structural support, associated ventilation ductwork and condenser units. The proposal poses no amendments to the existing footprint of the building but does involve alterations to the existing fenestration within the fifth floor.

Relevant Planning History

- **2024/90018:** Work to TPO(s) 33a/96. [Planning application details | Kirklees Council](#) – Granted
- **2023/91932:** Work to TPO(s) 33a/96/g13. [Planning application details | Kirklees Council](#) – Part Granted/Part Refused
- **2023/91345:** Erection of single storey building with roof top plant area to provide outpatient theatres, treatment rooms and consultant rooms with link to Boothroyd building, including demolition and remodelling of existing ramp and associated landscaping and drainage. [Planning application details | Kirklees Council](#) – Pending Consideration
- **2023/90433:** Installation of new data centre container to serve the hospital site. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2023/90047:** Work to TPO(s) 33a/96. [Planning application details | Kirklees Council](#) – Granted
- **2021/94137:** Erection of air handling unit with plant room enclosure. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2021/93470:** Installation of replacement air handling plant room enclosure and increase in roof height to form outpatient gym. [Planning application details | Kirklees Council](#) – Conditional Full Permission

- **2021/92133:** Installation of a single electrical substation. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2021/90974:** Installation of single storey modular building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2021/90016:** Installation of new air handling unit and external ventilation ductwork. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2020/92880:** Work to TPOs 33a/96. [Planning application details | Kirklees Council](#) – Part Granted/Part Refused
- **2018/91251:** Erection of a standby generator and fencing. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2018/90214:** Erection of single storey plant room enclosure and associated service duct screening to serve existing hospital. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2017/91760:** Work to TPO(s) 33A/96. [Planning application details | Kirklees Council](#) – Granted
- **2016/92592:** Erection of 2 storey extension to form substation to ground floor and LV switch plant room to first floor. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2016/93011:** Work to TPO(s) 33a/96. [Planning application details | Kirklees Council](#) – Granted
- **2016/90449:** Work to TPO(s) 33A/96. [Planning application details | Kirklees Council](#) – Granted
- **2015/93139:** Works to Tree(s) 33a/96. [Planning application details | Kirklees Council](#) – Part Granted/Part Refused
- **2015/91147:** Erection of single storey extension and replacement/upgrade of existing windows. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2014/91723:** Non material amendment to previous permission 2013/90775 for erection of single storey extension. [Planning application details | Kirklees Council](#) – Approved
- **2013/93538:** Work to TPO(s) 33a/96. [Planning application details | Kirklees Council](#) [Planning application details | Kirklees Council](#) – Granted
- **2013/91850:** Non Material Amendment on previous planning permission no.2013/90775 for erection of single storey extension. [Planning application details | Kirklees Council](#) – Approved
- **2013/90775:** Erection of single storey extension. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2012/90084:** Non material amendment to permission number 2011/91628 for alterations to convert 4 bed dormitories into single bedrooms, replacement of windows to provide secure type and erection of conservatory. [Planning application details | Kirklees Council](#) – Approved
- **2012/90041:** Erection of modular building. [Planning application details | Kirklees Council](#) – Conditional Full Permission

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- **2011/93290:** Works to various TPO(s). Planning application details | Kirklees Council – Granted
- **2011/92319:** Non material amendment following a grant of planning permission 2011/91628 for alterations to convert 4 bed dormitories into single bedrooms, replacement of windows to provide secure type and erection of conservatory. Planning application details | Kirklees Council – Approved
- **2011/91628:** Alterations to convert 4 bed dormitories into single bedrooms, replacement of windows to provide secure type and erection of conservatory. Planning application details | Kirklees Council – Conditional Full Permission
- **2010/91339:** External Alterations to replace all existing windows to the western half and erection of conservatory. Planning application details | Kirklees Council – Conditional Full Permission
- **2009/92914:** Erection of extensions to existing Ridings building and associated car park. Planning application details | Kirklees Council – Conditional Full Permission
- **2008/92282:** Erection of single storey archive storage buildings. Planning application details | Kirklees Council – Refused
- **2008/91745:** Erection of single storey extension to provide store. Planning application details | Kirklees Council – Conditional Full Permission
- **2007/94569:** Erection of single storey extension to endoscopy unit. Planning application details | Kirklees Council – Conditional Full Permission
- **2006/93557:** Erection of single storey archive building. Planning application details | Kirklees Council – Conditional Full Permission
- **2006/92831:** Erection of two storey extension to pathology department. Planning application details | Kirklees Council – Conditional Full Permission
- **2006/91564:** Erection of 2 storey extension to pathology department, single storey archive building and single storey temporary laboratory. Planning application details | Kirklees Council – Refused
- **2004/93655:** Erection of single storey extension of Wood irk House. Planning application details | Kirklees Council – Conditional Full Permission
- **2001/92533:** Telecommunications notification for the prior approval of details for upgrading existing 2f cabin and installation of associated antennae/dishes. Planning application details | Kirklees Council – Details Approved
- **2001/92460:** Installation of additional microwave dish mounted on proposed dish pole. Planning application details | Kirklees Council – Conditional Full Permission

- **2000/93009:** Erection of extension to x-ray department. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2000/90814:** Installation of 6 no. Antennas and equipment cabin. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 12th March 2024. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

Consultation Responses

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

[KC Environmental Health](#) – No objections subject to recommended condition

Planning Policy Background

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 8** - Promoting Healthy and Safe Communities
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. Furthermore, in terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design.

The proposals would enhance the facilities at the hospital and, as such, are considered compliant with Policy LP49 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

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.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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 LP24 all 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. Policy 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...”*

Alterations to Fenestration

The proposed external alterations would see some of the existing 5th floor windows within the front, rear and side elevations of the building removed and replaced with new double glazed aluminium windows. Given that the fenestration would be appropriately designed, it is considered that the proposed alterations would respect the visual amenity of the original build and the wider street scene.

Installation of Air Handling Unit

The application also seeks to install a new air handling unit with structural support, associated ventilation ductwork and condenser units on the sixth floor of the building. Although the air handling unit would have some visibility from public vantage points, it would not appear incongruous and would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed development would occupy a position at least 38m from 126 Healds Road and at least 56m from 122a Healds Road. Therefore, given the nature of the proposal and the substantial separation distances retained, it is considered that there would be no undue harm with regard to residential amenity.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 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.

The proposed works would not materially intensify the use or affect the existing parking arrangements on site. Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF and the Highways Design Guide SPD.

4. 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. 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Noise

The applicant has submitted a Noise Impact Assessment authored by Apex Acoustics (dated 04 April 2024, Ref 11708.1 Rev A). Figure 1 shows the location of the building upon which the fixed mechanical plant is shown and identifies the nearest noise sensitive receptors (NSRs) in relation to it. The proposed plant is identified in table 3 along with the respective noise levels. A background noise assessment was conducted between 1130hrs on the 24th of February 2022 and 1240hrs on the 25th of February 2022 from a single measurement position as shown in Figure 1. Modelling has been conducted along with a BS4142 assessment which indicates a low impact. The findings of the report are accepted. However, KC Environmental Health have recommended a compliance condition to ensure any fixed mechanical plant does not exceed the measured background levels.

Construction Noise

Construction noise and vibration can give rise to loss of amenity to neighbouring noise sensitive receptors. It is therefore necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

There are no other matters considered relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. History of negotiations/amendments received

A Noise Impact Assessment was received during the course of the application. This was reviewed by KC Environmental Health and was considered acceptable.

7. Conclusion

This application for the installation of new air handling unit with structural support, associated ventilation ductwork and condenser units; replacement of existing windows to fifth floor level at Dewsbury & District Hospital 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 development is considered 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. 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: 2024/90269

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP49 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. 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 Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: All Noise Assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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 the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Site Location Plan	[PL]01	-	31/01/2024
Sixth Floor/Roof Plan Plant Room Elevations as Existing	[10]03	A	31/01/2024
Sixth Floor/Roof Plan Plant Room Elevations as Existing as Proposed	[10]06	A	31/01/2024
Noise Impact Assessment	11708.1	A	08/04/2024

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 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. In this case, the design of the original scheme has been found acceptable. A Noise Impact Assessment was received during the course of the application. This was reviewed by KC Environmental Health and was considered acceptable.

Dated: 17/04/2024