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:	**2024/62/90884/E**
Site Address:	Wilsons Underlays Ltd, Thornhill Road, Dewsbury, WF12 9QF
Description:	Erection of temporary single storey modular building to form offices and welfare facilities
Recommending Officer:	Elenya Jackson

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: 7/06/2024

OFFICER REPORT

Site Description

The application relates to Wilsons Underlays Ltd, Thornhill Road, Dewsbury, WF12 9QF.

The site is a large industrial unit which is set back from Thornhill Road by 50m which is enclosed with a low wall and access is taken from Thornhill Road. There is a large amount of hardstanding providing the parking/turning areas for vehicles associated with the site.

The surrounding area is mixed use, with large industrial units to the west of the site and the existing unit appears as the last unit in the complex due to being bordered by residential properties to the east.

The site is reasonably prominent from the public realm due to large amounts of parking to the front of the site; however, there are several mature trees in the immediate vicinity of the site.

The property resides in a low risk coal area.

Description of Proposal

This application has been received for the erection of a single storey unit to be used as offices and staff wellbeing.

This would be a temporary use for the site for a period of five years.
The unit would have a width of 27m, a depth of 10m with a maximum height of 3m and would be set away from the site boundary by 1m.

This would feature timber cladding.

Relevant Planning History

2015/92252: Erection of two storey offices, production facility and warehouse. Conditional Full Permission

Representations

The application was advertised by neighbour notification letters, which expired on 27/5/2024.

One objection was received which raised the following concerns:

- The temporary nature of the proposal

- Loss of light
- Location of proposal

Negotiations

Officers requested clarification on the number of parking spaces provided on site and the number of staff as the initial plans showed 8 parking spaces. Amended plans were received and clarification was given regarding the number of staff on site.

Consultation Responses

The Lead Local Flood Authority: No conditions required

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 unallocated on the Kirklees Local Plan.

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
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- 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) published 20th December 2023, 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 12 – Achieving well-designed and beautiful places

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

<u>1 – Principle of development</u>:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that 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.

The application relates to a site currently in use for industrial purposes comprising one large building and associated car parking areas. The site would be retaining its existing use and the proposed offices/well being unit would be ancillary to the building.

The site is located within a priority employment area in Kirklees Local Plan (KLP) and would be retaining the existing use of the site. Therefore, the

proposal would accord with Policy LP8 of the KLP and is acceptable in principle, subject to an assessment of all material planning considerations.

Chapter 6 of the NPPF sets out how decision should help create the conditions in which businesses can invest, expand and adapt.

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.

2 –Impact on visual amenity:

The proposal would be marginally visible from the street scene due to the site having low level enclosures and the existing units being highly visible from the public realm. The proposed unit would relates to the east of the existing building. The proposal would be single storey in scale, the contemporary materials of the proposal would be appropriate for the site.

The proposal is considered to be subservient to the host property in terms of its scale and design and is considered to have an acceptable impact on the building in terms of visual amenity. When taking this into consideration, the impact on the host building is considered acceptable.

The proposal would be marginally visible from the public realm; however, it is considered that the proposal would be set a sufficient distance from the public realm and in keeping with the sites character.

Having taken the above into account, the proposed office building would not cause any significant harm to the visual amenity of either the host building or the wider street scene complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the proposal would form a subservient addition to the property in keeping with the existing building.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, 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.

Impact on:

68 Thornhill Road:

This property adjoins the application site to the north.

Overlooking: The proposal would have three high level side facing windows. It is considered that due to the height above finished floor level there would be no significant issues regarding overlooking.

Overshadowing/loss of light/overbearing: The structure would be single storey and situated 23m away from the rear elevation of no.68. The proposal would have a maximum height of 3m and would not be located within the vertical 45 degree visibility splay of any habitable rooms at no.68.

1-16 West Vale:

These properties adjoin the application site to the east/rear of the proposal. Overlooking: The proposal would not feature any rear facing windows.

Overshadowing/loss of light/overbearing: The structure would be single storey and set off of the shared boundary between the structures. There would be 19m between the proposal and a boundary of mature trees; therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

Having assessed the above, the proposals are considered to not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposals would result in some intensification of the use of the property. Officers approached the agent to clarify the number of staff which would be on site and obtain revised plans showing the parking layout.

It has been confirmed that there would be up to 35 members of staff on site. Revised plans have been provided which show there would be more than 40 parking spaces on site and cycle storage.

Therefore, the proposal would not represent any additional harm in terms of highway safety as it would not result in the displacement of vehicles onto the highway and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget
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.

The application relates to the erection of an office building to support an existing use on site. 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.

6 – Representations:

One representation was received raising the following concerns:

Temporary nature of the proposal
Officer Response: The applicant has requested planning permission to be for five years. It is considered unreasonable to attach a condition in the event that planning permission be approved however the Application Form and description relate to the temporary nature of the proposal.

Loss of light
Officer Response: The proposal would be single storey with a maximum height of 3m, would be set over 20m from no 68 Thornhill Road and screened from the rear elevations of 1-16 West Vale.

Location of proposal
Officer Response: The proposals impact on the character of the area and its relationship with neighbouring properties has been assessed in the above report. It is considered that the proposal would not have any significant impact on the residential amenity of neighbouring residents and that its scale is appropriate given the context of the site.

7 – Negotiations:

Clarification was requested by officers in terms of the number of parking spaces required

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

9 – 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 for the erection of temporary single storey modular building to form offices and welfare facilities Wilsons Underlays Ltd, Thornhill Road, Dewsbury, WF12 9QF 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: 2024/90884
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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the works, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local

Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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. 183 and 184 of 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 2021. 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 - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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: 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**	**Date Received**
Location Plan	P247-PL01	31.05.2024
Site Plan and Elevations	P247-PL02 Rev:B	9.04.2024
Flood Risk Assessment		9.04.2024
Design and Access Statement		9.04.2024

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.

Amended plans were requested to clarify the number of parking spaces on site and the number of staff. Revised plans were provided and considered acceptable.