KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	**2024/44/91152/E**
Site Address:	Firths Yard, Mill Road, Dewsbury, WF13 2HP
Description:	Discharge conditions 3 (noise), 5 (EVC), 6 (surfacing) on previous permission 2022/93046 for erection of warehouse building and yard
Recommending Officer:	Edward Cheseldine

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision 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: 16-Aug-2024

Officer Report

2024/91152 - Firths Yard, Mill Road, Dewsbury, WF13 2HP

Proposal Description

Discharge conditions 3 (noise), 5 (EVC), 6 (drainage) on previous permission 2022/93046 for erection of warehouse building and yard.

Condition 3

3. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: a) an assessment of all of the noise emissions from the proposed development b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation. The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.
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.

Assessment

The following has been submitted;

- Noise Impact Assessment, by Environmental Noise Solutions LTD, titled Proposed Commercial Development Land at the Rear of Firths Yard, Mill Road, Dewsbury, dated 22nd March 2024.

The document was assessed by KC Environmental Health, they concluded that the report was adequate in preventing noise disturbance to the nearby commercial properties and residential homes, recommending that the report should be accepted so long as the measures were implemented and retained thereafter. The documentation complies 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.

Condition 5

5. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum

standard for numbers and power output: • One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces • For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable. The approved dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

Assessment

The following has been submitted;

- Site layout plan, ref: MSHS MWA XX XX DR A 0002 P9, titled Proposed Site Plan, received, 23 April 2024.

The site plan indicates the location of the EV charging bay, for the purpose of the condition, the installed charger must comply with the specifications prescribed within the condition, and once implemented, retained thereafter complying with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

<u>Condition 6</u>

6. Notwithstanding the details shown on the approved plan (21903)2 Rev D, no development shall take place until a scheme detailing arrangements and specification for layout including surfacing drainage and parking bays have been submitted to and approved in writing by the Local Planning Authority. Before the building is first brought into use, the development shall be completed in accordance with the details shown on the approved plans and retained thereafter. Reason: To ensure a suitable access and layout in the interests of highway safety and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

Assessment

The following has been submitted;

- Site layout plan, ref: MSHS MWA XX XX DR A 0002 P9, titled Proposed Site Plan, received, 23 April 2024.
- Drainage plan, ref: E24/8170/001_01, E24/8170/001_02, received 23 April 2024.

The site is located down a private shared access road which is part of the wider site commonly referred to as ‘Firth’s Yard’. The site leads to the adopted Mill Road. The current road conditions of the road are unsuitable for HGV vehicles to the enter the site, in addition the car parking layout and drainage has not been granted permission.

Application ref: 2021/92771 relates to the adjoining site to the east. A condition relating to the surfacing layout and drainage of the private shared access road was issued with the approval for planning permission to improve the access, surfacing and road user/pedestrian safety of the site. The condition has not been discharged and the requirements of Local Plan policies LP20, LP21 have not been met in terms of highway safety, parking. During an officer site visit it was confirmed that no works to the access road have been undertaken.

Application ref: 2022/93046 relates to the construction of a warehouse building and yard at 25 Mill Road and is the application this condition relates to. During officer negotiations it was agreed upon that a condition would be included to improve works to the shared access road. The officer report states:

‘Whilst the application site is adequate in terms of access, there are concerns about the adjacent site which is used as an accessway to the application site. Pedestrian and vehicular access is a concern, as appropriate design measures to allow for safe access have not been constructed. Noted within these concerns are the improvements to the road surface and adaptions to the entranceway which have not been completed. A condition will be set that a highways and access plan is submitted in writing to Kirklees Planning Authority before the development takes place and subsequently implemented before the new building is first brought into use.’

The submitted documentation relates to the application site only and no such plans have been received relating to the shared private road to the east. Neither have plans been submitted to improve the condition of the road under ref: 2021/92771.

As no details have been received that illustrate the extent of the roadworks, the condition cannot be discharged as the impact to road and pedestrian safety is unclear.

KC Highways were consulted on the received documentation and recommended that the condition could not be discharged.

Decision Notice Text

Condition 3

The following has been submitted:

- Noise Impact Assessment, by Environmental Noise Solutions LTD, titled Proposed Commercial Development Land at the Rear of Firths Yard, Mill Road, Dewsbury, dated 22nd March 2024.

The Noise Impact Assessment has been assessed by KC Environmental Health. It is recommended the condition can be discharged. The documentation complies 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, therefore the condition is considered discharged on the proviso that the measures are implemented and retained thereafter.

Condition 5

The following has been submitted:

- Site layout plan, ref: MSHS MWA XX XX DR A 0002 P9, titled Proposed Site Plan, received, 23 April 2024.

The installation of an EV charger at the specified location complies with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES). The condition can be discharged on the proviso that the charger is implemented and retained thereafter.

Condition 6

The following has been submitted:

- Site layout plan, ref: MSHS MWA XX XX DR A 0002 P9, titled Proposed Site Plan, received, 23 April 2024.
- Drainage plan, ref: E24/8170/001_01, E24/8170/001_02, received 23 April 2024.

The submitted plans and drainage reports have been assessed by KC Highways. Objections have been raised to the discharge of Condition 7. The officer upholds their objection as the aims of the conditions have not been satisfied in terms of complying with LP21 & 22 of the Kirklees Local Plan. A future application to discharge the condition should demonstrate improvements to the private shared access road between the application site and Mill Road. It should satisfy the safety level of road users and pedestrians through the site and access onto Mill Road, whilst including road surfacing and drainage measures.