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:	**2024/62/91824/W**
Site Address:	Woodlands, Unit 4, Pennine Business Park, Longbow Close, Bradley, Huddersfield, HD2 1GQ
Description:	Subdivision of Unit 4 from one unit into two units for a mix of uses for the provision of medical or health services, principally to visiting members of the public and offices (use classes E(e) and E(g(i)
Recommending Officer:	Tom Hunt

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: 16-AUG-2024

Officer Report

Site Description

2024/91824 – Woodlands, Unit 4, Pennine Business Park, Longbow Close, Bradley, Huddersfield, HD2 1GQ

The application site relates to a two-storey, large commercial building within a Business Park. It is constructed using red brick with ashlar string courses and tiled roof. It is served by a car park within its grounds with 45 spaces and is surrounded by mature trees to its north and east boundaries.

Description of Proposal

Subdivision of Unit 4 from one unit into two units for a mix of uses for the provision of medical or health services, principally to visiting members of the public and offices (use classes E(e) and E(g(i)

It is proposed to infill an existing double height garage door and to insert a new fire exit door opening to the southwest elevation. To the rear/northeast elevation and northwest side elevation, new door openings would be created.

It is proposed to subdivide the single unit into two, the ground floor serving medical/health services with a number of room partitions, and the first floor to be an unaltered open plan office with bathroom facilities. The proposal is expected to create ten new full time employees excluding the retained office use. No industrial machinery is proposed. Hours of operation are proposed to be:

Monday to Friday 09:00-18:00
Saturday 09:00-12:00
No Sunday or Bank Holiday hours

Bike stores and bins will remain as existing.

History of negotiations/amendments received

No amendments requested/required.

Relevant Planning History

Unit/application site specific history:

2005/90262	Reserved matters application for erection of two storey office building with internal store and ancillary parking. *Approval of Reserved Matters* **Note**: The Decision Notice confirms that the permission relates to Class B1 office use only in Condition 6.

Within the same Business Park:

2004/95103	Reserved matters application for erection of 4 no. 2 storey office buildings with ancillary parking. *Approval of Reserved Matters.*
2004/91182	Outline application for erection of offices class B1 (a). *Conditional Outline Permission.*

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which had a final expiry date of 13/08/2024.

No representations have been received.

Consultation Responses

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

- Highways Development Management – Support

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 in a Priority Employment Area land (ref: PEA3) for development on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 7 – Efficient and effective use of land and buildings
- LP 8 – Safeguarding employment land and premises
- LP 13 – Town centre uses
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 49 – Educational and health care needs

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD

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, 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 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology
6) Representations
7) Conclusion

1 – Principle of development:

1.1 Sustainable Development
Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

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.

1.2 Priority Employment Area (PEA)

The general principle of redevelopment within a PEA is supported when there is no conflict with employment generating uses under LP8 of the Kirklees Local Plan. Chapter 6 of the NPPF supports the creation of conditions in which businesses can grow and adapt.

The proposal is to subdivide an existing commercial unit within a business park into two. It is noted that the permitted use of the unit was a B1 (office use), which is now considered to be Class E(g)(i). The proposed uses are the same to the first floor (with access from the ground floor) and Class E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner). This is to be for an eye clinic.

The Business Park is predominantly offices. It is noted that the Planning Statement indicated that another Class E(e) use was in operation within Unit 7 but this appears to be offices with ancillary uses.

It is noted that the proposal would create employment and be generally compatible with those Policy aims.

1.3 Main Town Centre Uses
Chapter 7 of the NPPF relates to ensuring the vitality of town centres. Paragraph 90 of the NPPF outlines that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 91 of the NPPF goes on to state that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 87 of the NPPF goes on to state that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre locations be considered. LP13 supports those aims.

Turning to whether the proposed use would be considered a main town centre use, Annex 2 of the NPPF does not define health/medical centres as a main town centre use and therefore the Class E(e) use would not conflict with LP13 of the Kirklees Local Plan or that of Chapter 7 of the NPPF.

In the instance that the Use Class of this unit be permitted to be an open Class E, this would allow the unit to change to any other use within the same Use Class, including main town centre uses. In the event that planning permission is approved, it is recommended that a condition is attached that the unit be restricted to Use Class E(e) in order to avoid conflict with the aforementioned policy considerations and avoid introducing incompatible uses to the PEA. The restriction of the Use Class to E(e) would avoid main town centre uses spreading to edge of centre locations and would therefore not require a sequential test to be submitted to satisfy paragraph 91 of the NPPF and LP13 of the Kirklees Local Plan.

1.4 Health care needs
Chapter 8 of the NPPF has a general requirement to support the promotion of healthy and safe communities, and to improve health, social and cultural wellbeing for all sections of the community.

LP49 of the Kirklees Local Plan supports new healthcare facilities subject to the following requirements:

> *a. the scale and location is appropriate for the catchment;*
> *b. there is a need for a new healthcare facility, particularly in relation to the spatial development strategy;*
> *c. they are well related to the catchment they will serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.*

From a review of available survey records, the geographical spread of available eye clinics, occupational health and health centres elsewhere in the Centre and out of centre suggests that the immediate location could support a new facility of this size and scale minimising the need to travel. This would be located in a very accessible location sited close to frequent public transport through bus provision and would have the adjacent car park to accommodate people with restricted mobility who require their own transport.

Whilst there is no identified operator, Officers consider the proposal would not conflict with the aims of both Chapter 8 of the NPPF and LP49 of the Kirklees Local Plan in supporting communities to engage with healthcare providers.

2 –Impact on visual amenity:

The alterations to the building, i.e. new openings for entrances and fire doors, are visually minimal and would have a neutral impact on the locality.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Local Plan and Chapter 12 of the NPPF.
3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

> *"…maintain appropriate distances between buildings"* and *"maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary."*

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposal is for the change of use of an existing building within an existing commercial office complex, well screened and separated physically from residential development to the north by a heavily trafficked 'A' road and therefore would not have a material change in residential amenity.

Given this separation distance and screening within an existing business park, Officers do not recommend that opening hours are required to be conditioned in the interests of residential amenity. An informative is recommended to ensure applicants are aware of Council powers regarding noise and nuisance for avoidance of doubt.

The proposal would comply with LP24b of the Kirklees Local Plan, and Chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposal was formally reviewed by Highway Development Management and officers agreed with comments made within the Planning Statement with regard to adequate provision of parking for the estimated trip generation of 25 patients per day by year 3 and the office use above. Whilst there would be an intensified use from two commercial units using the same car park, Officers concur that the site provides sufficient space to accommodate this within an existing business park separated from residential areas and well supported by existing car park availability to each unit.

The proposal would therefore not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change
When determining planning applications, the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
Furthermore, the proposal would see the continued use of an existing building, which is considered to be a sustainably preferable approach to development.
Drainage
The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the rear within a substantial soft surfaced garden therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals would have a minimal impact to elevations and no impact

to roofs and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.
The extent of the alterations is agreed to be de minimis for the purposes of Biodiversity Net Gain and compatible with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

7 – 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 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

Application Number: 2024/91824

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 accord with Policies LP01, LP07, LP13, LP21, LP22, LP24, LP30 and LP49 of the Kirklees Local Plan, and Policies within Chapters 2, 4, 6, 7, 8, 9, 11, 12, 14, and 15 of the National Planning Policy Framework
3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) and with the exception of any ancillary and associated offices the use of the building at ground floor shall be for a use which falls within Class E(e) of Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only.
Reason: In the interests of maintaining main town centre uses, shopping facilities and local services within local centres, to accord with policy LP13 of the Kirklees Local Plan and the policies contained within Chapter 7 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including

noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	3183 06	Unamended	28/06/2024
Existing Elevation and Floor Plans	3183 07	Unamended	28/06/2024
Proposed Elevation and Floor Plans	3183 08	A	28/06/2024
Planning Statement		Unamended	28/06/2024
Climate Change Statement	-	-	28/06/2024

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 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. The case officer considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 14/08/2024