

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:	2024/44/93400/E
Site Address:	Land off, Staincliffe Road, Dewsbury Moor, Dewsbury, WF13 4RD
Description:	Discharge of details reserved by conditions 8 (lighting), 9 (boundary treatment), 10 (arboricultural method statement) on previous permission 2023/93059 for erection of light industrial units
Recommending Officer:	Nina Sayers

DECISION – DISCHARGE OF CONDITION SPLIT DECISION

I hereby authorise the part discharge of conditions the subject of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 24-Jan-2025

Officer Report

Site Description

Site address – Land off, Staincliffe Road, Dewsbury Moor, Dewsbury, WF13 4RD

Proposal – Discharge of details reserved by conditions 8 (lighting), 9 (boundary treatment), 10 (arboricultural method statement) on previous permission 2023/93059 for erection of light industrial units

Assessment

Condition 8 – Lighting

Condition 8 reads as follows:

“8. 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 12 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.”

In support of the discharge of condition 8 a document by All Urban, dated the 19th of August 2024 has been submitted. The document by All Urban, dated the 19th of August 2024 sets out the location of the various light fittings and maps out illuminance within the site boundary. It does not clearly indicate if light spill or glare will be visible by nearby receptors. It gives no details as to the operating times or methods of switching. Whilst the report provides useful information it does not satisfy all the points within the condition. Condition 8 can therefore not be discharged at this time.

Condition 9 – Boundary Treatment

“9. Notwithstanding the submitted plans and information, before development commences on the superstructure of the building hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the

Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interests of visual and residential amenity in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.”

The applicant has submitted a Proposed Site and Boundary Plan Ref: '2852_ACU (200)01' in support of the discharge of condition 9. It shows 1.8m high barbed a1 sr1 rated security fence, finished in black, around the majority of the application site. To the front of the site the annotation states the existing stone wall would be partially retained and then Palisade style fencing above with a total height of 1.8m. The applicant has provided a plan which demonstrates the proposed fencing would not interfere with the visibility splays.

Whilst the fencing design could be improved were it to be a weld mesh design, weight is afforded the fact the site opposite has used the boundary treatment being proposed as part of this application and it is considered in this case it would be unreasonable of the LPA to insist upon a higher standard of boundary treatment design particularly as the proposal would be a black colour finish.

The proposed boundary treatment is considered to be appropriate for the proposed industrial use and officers are satisfied that the submitted details would not cause harm to visual amenity. With regard the residential amenity, it is considered that the overbearing harm caused by a full-boarded fence would be greater than the minimal overlooking which could occur from people parking their vehicles. As such, the proposed open fencing is considered acceptable and no significant harm to residential amenity is considered to be caused as a result of the proposed fencing.

Condition 9 can therefore be discharged. The applicant is reminded that the development shall be completed in accordance with the approved details before the development is first brought into use and thereafter retained.

Condition 10 – Arboricultural Method Statement

Condition 10 reads as follows:

“10. Prior to the development of the proposal, a detailed Arboricultural Methods Statement and Tree Protection Plan must be submitted to and approved in writing by the Local Planning Authority. Development must then be carried out in accordance with the approved details. Reason: In order to protect the adjacent protected trees in line with LP33 of the Kirklees Local Plan.”

The applicant has submitted the following information to support the discharge of condition 10:

- Arboricultural Method Statement Ref: '231213 MS'
- Arboricultural Impact Statement Ref: '231213 AIA'
- Tree Survey Ref: '231213'

The submitted information has been reviewed by KC Trees. It is considered that the submitted AMS sufficiently details the pruning and protection measures that will be taken during construction. Officers can therefore support the discharge of condition 10.

Conclusion

Condition 8 cannot be discharged. Conditions 9 and 10 can be discharged.

Decision Notice

Condition 8 – Lighting

In support of the discharge of condition 8 a document by All Urban, dated the 19th of August 2024 has been submitted. The document informs the location of the various light fittings and maps out illuminance within the site boundary. It does not clearly indicate if light spill or glare will be visible by nearby receptors. It gives no details as to the operating times or methods of switching. Whilst the report provides useful information it does not satisfy all the points within the condition. Condition 8 can therefore **not** be discharged at this time.

Condition 9 – Boundary Treatment

The scheme submitted within the drawing titled 'Proposed Site and Boundary Plan' Ref: '2852_ACU (200)01' is considered acceptable and condition no.9 is discharged on the basis of details of all boundary treatments set out in this submitted plan. It is a requirement of this condition that the development shall be completed in accordance with the approved details before the development is first brought into use and thereafter retained.

Condition 10 – Arboricultural Method Statement

The submitted Arboricultural Method Statement Ref: '231213 MS' and Tree Survey Ref: '231213' sufficiently details the pruning and protection measures that will be taken during construction. This condition is therefore discharged. It is a requirement of this condition that the development be carried out in accordance with the approved details.