
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 28-Apr-2022

Subject: Planning Application 2021/92771 Erection of two business units (mixed Class E(g)(iii) and B8 uses) Firths Yard, Mill Road, Dewsbury, WF13 2HP

APPLICANT

Abdul Rehman Reasat

DATE VALID

07-Jul-2021

TARGET DATE

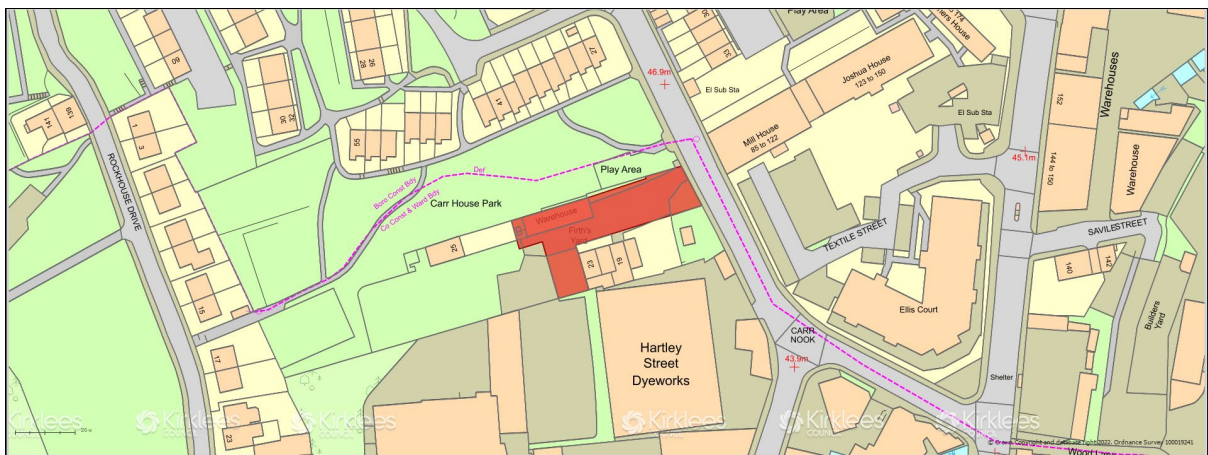
01-Sep-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Link to Public speaking at committee](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury East

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub Committee as Member's voted to defer the application at the 17th March Heavy Woollen Planning Sub Committee meeting to allow Member's to carry out a site visit.
- 1.2 The application was originally brought before Member's due to the significant number of representations received. This is in accordance with the Scheme of Delegation set out in the Constitution.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a block of buildings that are currently used as a workshop and residential. The site is accessed from Mill Road which is the same access as to the scrapyard.
- 2.2 The character of the area surrounding the site is varied. To the rear of the site, there is a large scrapyard and associated buildings. As well as this, to the south of the site is a pub on Hartley Street, with residential units on the opposite side of Mill Road and further to the north, in addition to a children's play area.
- 2.3 Part of the site is allocated as waste safeguarded land on the Kirklees Local Plan and part of the site is unallocated.

3.0 PROPOSAL:

- 3.1 Permission is sought for the erection of two industrial units to be used for Class E (g) iii (light industry) and Class B (storage and distribution) uses.
- 3.2 Unit 1 would be located at the western end of the site adjacent to No. 23 Mill Road and opposite the existing warehouse. The height of the unit would be approximately 6m with a shallow pitched roof. The unit would be constructed using a portal frame with stone plinth walls and composite cladding. One large roller shutter door is proposed on the northern elevation.

- 3.3 Unit 2 would be located at the eastern end of the site directly adjacent to the existing warehouse. The height of the unit would measure approximately 6.5m with a shallow pitched roof. This unit would also be constructed using a portal frame with stone plinth walls and composite cladding. One large roller shutter door is proposed on the eastern elevation.
- 3.4 The existing site entrance off Mill Road would be used to access the proposed units. The existing service yard would be resurfaced to create a shared surface access road with designated through route to accommodate refuse/emergency vehicles constructed using permeable surfacing. A total of 9 parking spaces will be provided within the site.
- 3.5 The following hours of operation are proposed:
- | | |
|--------------------------|------------------|
| Monday to Friday | 8.30am to 5.30pm |
| Saturday | 8.30am to 4.30pm |
| Sunday and bank holidays | No operations |

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2020/92232 Erection of 2 storage units
Withdrawn
- 2020/90426 Erection of industrial unit
Refused due to the impact on visual amenity; increased vehicular use without the necessary road improvements and failure to demonstrate the satisfactory turning of a refuse and emergency service vehicles
- 2019/93436 Discharge of conditions 6 (noise) and 7 (Phase I) on previous permission 2019/90398 for conversion and alterations to existing dwelling and workshop to form 2 dwellings
Approved
- 2019/91469 Discharge of condition 3 (Phase I Desk Study) on previous permission
- 2019/91129 Erection of storage building (modified proposal)
Approved
- 2019/90398 Conversion and alterations to existing dwelling and workshop to form 2 dwellings
Approved
- 2018/94047 Erection of storage building
Approved

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Through the course of the application, an amended plan was received to address concerns raised by Officers regarding the relationship between Unit 1 and the approved conversion of 23 Mill Road (Plot 3) forming part of approval ref: 2019/90398.

5.2 Additional information was also submitted following concerns raised by KC Highways Officer's. In response to the comments the following were received and considered to address the concerns:

- Swept-path analysis for a large vehicle
- Swept-path analysis for a fire appliance
- Improvements to widen access to 4.5m
- Parking provision

5.3 Following the decision by Members of the Heavy Woollen Planning Committee on 17th March 2022 to defer the application, amended plans were submitted. The amended plans show a reduction in the amount of parking spaces within the site from no. 11 to no. 9. The original 2 no. spaces directly adjacent to the access for the scrap yard are removed. An amended elevational plan was also submitted to show the width of the private garage and it's access to the South East of the site.

6.0 PLANNING POLICY:

6.1 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).

6.2 On 12/11/2019, 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 pre-dates 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

6.3 Kirklees Local Plan (2019):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway Safety and Access
- LP 22 – Parking Provision
- LP 24 – Design
- LP30 – Biodiversity and geodiversity
- LP 52 – Protection and improvement of environmental quality

- LP 53 - Contaminated and unstable land
- LP 45 – Safeguarding waste management facilities

6.4 Supplementary Planning Guidance / Documents:

KC Highways Design Guide

6.5 National Planning Guidance:

Chapter 2 – Achieving sustainable development

Chapter 6 – Building a strong competitive economy

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by site notice, neighbour notification letter and press advert. As a result of site publicity, 33 comments have been received. The comments can be summarised as follows:

Against (13)

- Impact on access
- Impact on the adjacent children’s play area
- Increased traffic and parking issues on Mill Road
- Increased impact of noise on residential properties
- Impact on views
- Impact on parking and access within Firth’s Yard

Support (21)

- Improvements to the site are welcomed
- Creation of jobs
- The works will help to reduce anti-social behaviour on the site

7.2 Following the decision by Members of the Heavy Woollen Planning Committee on 17th March 2022 to defer the application, amended plans were submitted. The amended plans have been advertised via neighbour notification letter to all neighbours and interested parties. The end date for consultation is 18th April 2022.

Two letters have been received with no additional matters raised.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

KC Highways DM: No objection subject to condition

KC Environmental Services: No objection subject to condition

8.2 **Non-statutory:**

KC Conservation and Design: No objection

9.0 MAIN ISSUES

- Principle of development
- Heritage and urban design issues
- Residential amenity
- Sustainability and climate change
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 Paragraph 20 of the National Planning Policy Framework states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:
- b) waste management.
- 10.4 In this case, the site at Firths Yard is partly allocated as waste safeguarded land on the Kirklees Local Plan (KLP). Policy LP45 states the following:

“existing waste management facilities and land surrounding these facilities as identified on the Policies Map will be protected unless it can be demonstrated that there is no longer a need for the facility or where capacity can be met elsewhere in the district. Proposals for development in the vicinity of an existing or planning waste management facility will be required to demonstrate that the proposed development does not prevent, hinder or unreasonably restrict the operation of the waste development”

- 10.5 The adjacent waste transfer use is car scrappage. The applicant states that in this case, the nature of the proposals as business uses, would be compatible with the business operations of the nearby waste management facilities and would not prevent, hinder or unreasonably restrict their operation. Furthermore, the Council granted permission for less compatible residential development on the immediately adjoining site through the 2019/90298 application.
- 10.6 In addition to the above, the applicant states that the land forming part of the application site is in different ownership and is separated from the waste operations to the south by a fence / wall. As such, there is no ownership or functional linkage between the two areas of land. The applicant also states that there is no evidence that the land where Unit 1 would be located has ever been used for waste management facilities. Furthermore, they maintain that there is no evidence that the mill building at the northern end of the allocation is, or ever has been, used for waste management.
- 10.7 The proposed development would not affect existing access arrangements into the wider site and would enable the existing use to continue.
- 10.8 On the basis of the above, the principle of the development is, on balance, considered to be acceptable and in accordance with Policy LP 45 of the KLP.
- 10.9 The application site is adjacent to Mill House, Mill Road which is a grade II listed building, as such Policy LP35 of the KLP applies which outlines that where the significance of the heritage asset is harmed then public benefit should occur to such an extent that the balance of the harm is outweighed.
- 10.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 201 and 196 of the National Planning Policy Framework forms the basis for this guidance.

Heritage and urban design issues

- 10.11 The application site is adjacent to Batley Carr Mills to the East which is a Grade II listed building, therefore Local Plan policy LP35 is relevant.
- 10.12 The application site is located within a mixed-use area comprising both residential and commercial uses of varying ages and design. The existing buildings on the site are of traditional stone construction, and two and three storey scale.
- 10.13 Having considered the site and its setting, the harm of the proposed development would be relatively minimal given the scale of the existing mill and the proposed buildings. In accordance with Paragraphs 200 and 202 of the NPPF where development would lead to less than substantial harm to the significance of the designated heritage asset this needs to be weighed against the public benefits of the proposals. The development proposals would result in economic benefit that is considered to be clear justification for any residual harm as a consequence of the proposed development. As such, the proposals are considered acceptable in respect of heritage matters, in accordance with Policy LP35 of the Local Plan and the NPPF.

- 10.14 The proposed buildings would have a modern industrial appearance, using a portal frame with stone plinth walls and composite cladding, in addition to roller shutter doors, with an overall height of 6m (Unit 1) and 6.5m (Unit 2).
- 10.15 The proposed location of unit 1 is set into the site and screened significantly by existing built form. Officers therefore have minimal concerns with regards to the impact on visual amenity.
- 10.16 Unit 2 is proposed to the frontage of the site, directly adjacent to Carr House Park which is a small parcel of open green space with a children's play area. Although the proposed building will be large in scale, due to the reduced height of the building and within the context of the larger Mill building and industrial setting of the site, the proposed building is on balance considered to be acceptable.
- 10.17 On balance, the proposed development is considered to comply with the aims of policies LP24 and LP35 of the Kirklees Local Plan and the NPPF.

Residential Amenity

- 10.18 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.19 Due to the location of the site within a mixed-use area, residential properties are located to the north and east. In addition, permission has been granted for the conversion and alterations to an existing building on the site to form two dwellings and the erection of attached dwelling. Although works do not appear to have commenced on site, a discharge of conditions application has been approved (2019/93436) which would allow for a lawful commencement of the approved development before 7th August 2022. Unit 1 would be located directly adjacent to the west of this development, whilst Unit 2 would be located opposite to the north.
- 10.20 Unit 1 would be located in close proximity to No.23 Mill Road, which forms part of approval ref: 2019/90398 for the conversion and alterations of an existing dwelling and workshop on the site to form 2 dwellings and the erection of a dwelling. The approved plans indicate the removal of a small lean-to to the rear elevation of this building, and the provision of a small area of amenity space. Due to the proximity of Unit 1 to this building and proposed amenity space, directly to the west, Officers raised concern regarding the potential for an overbearing and overshadowing impact to arise to future occupiers of that property. The applicant has responded to this by providing an amended plan showing a revised design to Unit 1, in order to increase the separation distance between the two buildings. This shows the proposed building to be located approximately 2.0m from the boundary with the proposed amenity space of No.23. This relationship is considered to be acceptable, on balance, and in accordance with Policy LP 24 of the KLP.

- 10.21 Unit 2 is proposed directly adjacent to No. 19 Mill Road and the approved attached dwelling under application 2019/90398. Although the separation distance is not significant, this relationship is already established between No.19 Mill Road and the existing stone Mill building. The proposed unit 2 will be significantly lower than the existing Mill building. Given the existing approvals on the site with a similar relationship and the reduced height of unit 2, the proposal is considered to be acceptable and in accordance with Policy LP24 of the KLP.
- 10.22 The main impact upon the amenity of neighbouring occupiers as a result of the development is considered to arise from noise disturbance. A Noise Assessment has been submitted with the application and the contents have been assessed by the Council's Pollution and Noise Control Team. The recommendations made within the Noise Impact Assessment are considered to be acceptable.
- 10.23 The proposed hours of operation are considered to be acceptable by officers and will be conditioned as such.
- 10.24 In summary, subject to the recommendations within the submitted noise report, there is no considered impact on the residential amenity of existing residents. As such, the application is considered to comply with Policies LP1, LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the NPPF.

Highway issues

- 10.25 The site has an existing access taken off Mill Road and this would be used to access the proposed units. The existing service yard would be resurfaced to create a shared surface access road with designated through route to accommodate refuse/emergency vehicles constructed using permeable surfacing. Amended plans were received removing 2 parking spaces, resulting in a total of 9 parking spaces being provided within the site.
- 10.26 Whilst the existing bin collection arrangements are not those which would normally be recommended, the proposals would not exacerbate the existing situation. However, the increased risk of fire by virtue of the intensification of use of the site means that the proposed units should be able to be served to modern standards by the emergency services. Full details of the West Yorkshire Fire and Rescue Service public advice document have been made available to the applicant.
- 10.27 Additional information has been requested through the course of the application by KC Highways DM in relation to a swept path analysis of a fire appliance and large vehicle entering and exiting the site; the retention of parking provision for the approval granted in 2019; and the widening of the roadway to 4.5m to allow two vehicles to pass. This has been received which is considered acceptable by Officers.
- 10.28 Subject to the addition of conditions relating to the surfacing and drainage of the access and parking areas, the proposal is considered to be in compliance with policies LP21, LP22 and LP24 of The Kirklees Local Plan, Chapter 12 of the NPPF as well as the Highways Design Guide SPD.

Climate change

- 10.29 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.
- 10.30 A condition is recommended to secure the installation of electric vehicle charging points to serve the proposed industrial units.

Representations

- 10.31 The representations received have been carefully considered. Officers would respond to the matters raised as follows:

Against (13)

- Impact on access
Response: The existing access will be retained and improved with surfacing and drainage. Full details of the assessment of highway safety are contained in the above report.
- Impact on the adjacent children’s play area
Response: The impact on the children’s play area is assessed within the report.
- Increased traffic and parking issues on Mill Road
Response: The impact of the proposed development on traffic generation and parking is fully assessed in the above report.
- Increased impact of noise on residential properties
Response: The impact of the proposed development is assessed in the above report. A noise impact assessment has been submitted in support of the application which is considered acceptable by Officers.
- Impact on views
Response: The impact of a proposed development on a viewpoint is not a material planning consideration.
- Impact on parking and access within Firth’s Yard
Response: The impact of the proposed development on and parking is fully assessed in the above report.

In support (21)

- Improvements to the site are welcomed
Response: comment noted
- Creation of jobs
Response: comment noted
- The works will help to reduce anti-social behaviour on the site
Response: comment noted

11.0 CONCLUSION

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Commencement of development within 3 years
2. Development to be in accordance with the approved plans
3. The provision of electric vehicle charging points
4. Surfacing and drainage of access road and parking areas
5. Recommendations within the approved noise report to be completed prior to occupation
6. Hours of operation

Background Papers:

Website link to the application details:

[Link to application details](#)

Certificate of Ownership –Certificate A signed and dated 07.07.2021